

STATE OF MARYLAND
STATE VEHICLE FLEET POLICIES AND PROCEDURES



State of Maryland
Department of Budget & Management
Division of Policy Analysis
Fleet Administration Unit
June 2002

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Approved: “/s/ signature on original copy”
State Fleet Administrator

Approved: “/s/ signature on original copy”
Secretary
Department of Budget & Management

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STATE OF MARYLAND
STATE VEHICLE FLEET PROCEDURES

1.00 INTRODUCTION

1.01 Purpose and Authority of the Fleet Manual

The purpose of this manual is to promulgate policies and procedures governing the effective and economical use of the State vehicle fleet. The State Finance and Procurement Article 3-503 requires the Secretary of the Department of Budget and Management (DBM) to adopt and enforce regulations to ensure the economical and efficient use of motor vehicles by units of the Executive Branch of State Government.

1.02 Scope

These policies and procedures apply to all motor vehicles used for official State business within the Executive Branch of the State Government

1.03 Responsibilities of DBM for State Vehicles

The Secretary of the Department of Budget and Management is responsible for the administration and control of State motor vehicles. The DBM Fleet Administrator represents the Secretary in the performance of these duties.

1.04 Agency Responsibility

State agencies shall establish necessary procedures to comply with the State vehicle policies and procedures promulgated by the Department of Budget and Management.

1.05 Copies of the Manual

Additional copies of this manual are available on the DBM website, at http://www.dbm.state.md.us/html/fleet_manage_unit.html

1.06 **Definitions**

- .01 Accessories:** Any devices or equipment not included as standard equipment on the current models of automobiles purchased by the Department of General Services (DGS).
- .02 AFV:** An alternative fuel vehicle, either dedicated or dual-fueled, that can operate on fuel other than gasoline or diesel i.e. a vehicle that can run on alternative fuel.
- .03 Agency:** A unit of the Executive Branch of State Government. For the purpose of this document this term does not include the:
- Judicial or Legislative Branches
 - Blind Industries and Services of Maryland
 - County Boards of Supervisors of Elections
 - Maryland Automobile Insurance Fund
 - Maryland Food Center Authority
 - Maryland Nat'l. Capital Parks & Plng. Comm.
 - Tri-County Council of Southern Maryland
 - Washington Suburban Sanitary Commission
 - Register of Wills
 - University of Maryland System
- .04 Agency Head:** The chief executive officer at the agency.
- .05 Alternative Fuel:** Fuel other than gasoline or diesel such as methanol, ethanol and other alcohols; mixtures of 85% or more of these other alcohols with other fuels such as gasoline; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels derived from biological materials, electricity, etc.

- .06 Assigned Vehicle:** Any State vehicle assigned to an individual in accordance with the DBM assignment criteria.
- .07 Centrally Fueled:** For purposes of the USDOE Energy Policy Act of 1992 (EPAct), a vehicle is considered centrally fueled when it can be refueled at least 75% of the time at a location that is owned, operated, or controlled by the individual fleet agency or one of the statewide refueling locations.
- .08 Commute Miles:** Distance traveled between driver's home and his assigned office location.
- .09 Commute Reimbursement Rate:** A bi-weekly charge assessed to State employees for commuting privileges.
- .10 Covered Areas:** The following 14 counties/city within the State of Maryland have been identified as areas covered by the USDOE Energy Policy Act of 1992 (EPAct):
- Anne Arundel
 - Baltimore
 - Baltimore City
 - Calvert
 - Carroll
 - Cecil
 - Charles
 - Frederick
 - Harford
 - Howard
 - Montgomery
 - Prince Georges

- Queen Anne's
- Washington

- .11 **Covered Fleet:** For purposes of compliance with EPAct regulations, a covered fleet is an independent fleet of 50 or more non-excluded light duty vehicles (LDVs) owned and operated by the same agency of which at least 20 LDVs are operated primarily in a covered area and can be centrally fueled.
- .12 **Departments:** Department of Budget and Management (DBM).
- .13 **DOE:** The United States Department of Energy
- .14 **EPAct:** The Energy Policy Act of 1992 administered by the Alternative Fuel Transportation Program within the U.S. Department of Energy (DOE).
- .15 **Excess Motor Vehicle:** A motor vehicle that is declared by the Fleet Administrator, Department of Budget and Management, as not required for the current or projected needs of the agency to which the vehicle is assigned.
- .16 **Home:** A driver's home or residence.
- .17 **LDVs:** A DOE/EPAct term for light duty vehicles having a gross vehicle weight (GVW) of 8,500 pounds or less.
- .18 **LTVs:** Light trucks and vans including pick-up trucks and cargo vans with a maximum rated payload of 1,900 pounds or less and passenger carrying vans with a maximum seating capacity of 15 passengers including the driver.
- .19 **Law Enforcement Officer:** Means one employed full-time in that capacity and is responsible for the prevention or investigation of crime involving injury to persons or property who is authorized to carry firearms (and actually does carry firearms), execute search warrants and make arrests.

- .20 Motor Vehicle:** Any device that transports individuals or property on a highway.
- .21 National Fleet Service Agreement:** An agreement between a National Fleet Service Contractor and the State permitting the State to obtain national fleet discounts on vehicle maintenance and repair services for those State vehicles enrolled with the Contractor.
- .22 Fleet Service Contractor:** The contractor awarded the State contract to provide Statewide Fleet Services for those State vehicles enrolled with the Contractor.
- .23 Office:** The principle office or official duty station to which a State employee is assigned as determined by agency head.
- .24 Official Miles:** Mileage traveled in the most direct route to conduct State business, less any commute mileage involved.
- .25 Pool Vehicle:** Any State vehicle, which is not assigned to an individual. This term also includes State vehicles used by teams or groups State workers traveling on State business to/from the same job site, other than the employees' permanent duty location.
- .26 Secretaries:** The Secretary of Department of Budget and Management.
- .27 Sedans:** Passenger cars used primarily for transport of persons and personal effects. Included are marked and unmarked police cars, which would ordinarily be considered sedans.
- .28 State Vehicle:** Any motor vehicle titled or leased to the State of Maryland.
- .29 Travel Status:** That period of time when a State employee is traveling on State business. An employee is not in travel status while commuting from home to the employee's assigned office, regardless of the length of time of that commute.

2.00 VEHICLE USE

2.01 Policies

.01 State employees who operate State vehicles shall adhere to the policies, procedures, rules and other instructions covering the use and operation of State vehicles.

.02 General Rules for Drivers of State Vehicles

- (1) All drivers must have a driver's license, which is valid in the State of Maryland and which is appropriate for the class of vehicle driven.
- (2) All drivers shall operate State vehicles in a manner that reflects concern for safety and courtesy towards the public.
- (3) An employee having a driver's license with six (6) or more points for moving violations shall not operate a State vehicle.
- (4) State vehicles shall be driven only by State officials and authorized employees. Exceptions to this rule must have written authorization from the Secretary.
- (5) State vehicles shall not be used to conduct personal business, to transport members of the family, e.g., transporting children to and from school, or for pleasure. Passengers in State automobiles must be authorized persons on State business. Exceptions to this rule must have written authorization from the Secretary.
- (6) No person may drive or ride in a State vehicle unless properly restrained by the occupant restraint device. It shall be the

driver's responsibility to ensure that the passengers use the available restraint devices.

- (7) All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions. All violations and fines incurred shall be the responsibility of the driver involved.
- (8) All accidents are to be reported to agency headquarters, within twenty-four (24) hours after the accident, even if another vehicle is not involved or there are no apparent injuries or damages.
- (9) A daily log (VMILOO) shall be maintained in each State sedan or LTV vehicle on a monthly basis unless exempted by the Secretary, DBM. Logs must indicate all destinations by official and commute mileage, even if driven by different individuals. Agencies are required to have these logs available for audit purposes.
- (10) State vehicles are to be properly maintained in accordance with COMAR 21.02.03.03. Agencies unable to provide scheduled vehicle maintenance are to be guided by oil change, lubrication and maintenance recommendations of the manufacturer. All warranties are to be utilized.
- (11) The driver of a State vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage requires the keys be left with the vehicle.
- (12) Operators of State vehicles are personally responsible for vehicles operated by them. The operator of a State vehicle may be required to make restitution for a State vehicle that is damaged while assigned to that operator.

- (13) The use of State of Maryland vehicle service/credit cards is restricted to State vehicles. Under no circumstances are these are these cards be left in custody of service station or maintenance facility attendants.
- (14) Whenever possible, trips should be planned to coincide with other employee travel requirements so that vehicles are used efficiently and economically.
- (15) Willful disregard of these rules is just cause for disciplinary action.

.03 At least once every two (2) years each State agency shall issue a copy of the General Rules to every employee who drives a State vehicle. The employee is required to read the rules and sign the Acknowledgement Statement (Appendix 1). These statements shall be kept on file by the agency and are subject to audit by both the Legislative Auditors and DBM.

.04 Drivers shall be reimbursed for reasonable parking fees and tolls incurred while using a motor vehicle to conduct State business.

.05 Student Drivers of State Vehicles

Students at State colleges and other State institutions are permitted to use State vehicles within the following guidelines:

- (1) Each college or university administration may designate in writing a limited number of qualified students to act on a part-time basis as unpaid, volunteer drivers of State vehicles when the need for such drivers is justified. Designation of these drivers will be made in compliance with the requirements of State Government Article, § 12-101, and they will operate State vehicles in compliance with the “General Rules for Driver’s

of State Vehicles” and are subject to a driving record review as are other employees.

- (2) State vehicles driven and used by students are to be limited to the following:
 - a. Travel, which is directly related to the curricula of institutions.
 - b. Team travel, which has been organized to formally represent to college, i.e., chess debating, debating, wrestling, etc.
 - c. Travel directly related to the business functions of the institutions where deemed appropriate and necessary by the administration.
- (3) Under no circumstances shall vehicles assigned to State institutions of higher education be rented or loaned to individuals, groups or organizations.
- (4) Requests for exceptions to these policies must have prior written approval of the Secretary. (Also see Section 2.01.08.)

.06 The Superintendent of Maryland State Police may grant permission to off-duty State Police officers to use police vehicles during off-duty hours. Only the officers to whom permission has been granted may operate the vehicles while off duty and only when these vehicles are not needed by on-duty officers.

.07 Local government employees assigned to a State agency may be permitted to utilize a State vehicle for official State business when authorized in writing by the State Fleet Administrator, which includes:

- The name of the requesting agency.
- The name and Social Security number of the driver involved.
- The duration and description of condition for vehicle use.

- A statement of liability/accident coverage by the local government involved.
- A statement from the local government that it will indemnify and hold harmless the State for any liability arising out of the operation of a State vehicle by a local government employee.

Local government employees approved to use a State vehicle are bound by State fleet policies.

.08 Authorization by agencies for individuals to operate a State vehicle does not automatically include that individual under State insurance coverage and/or the protections of the Maryland Tort Claims Act. Agencies with specific concerns should contact their agency Insurance Coordinator or the Attorney General's office in their agency.

This is particularly true when consideration is being given to allowing individuals who are not clearly State employees to operate State vehicles. (Also see Section 8.00.)

3.00 VEHICLE ASSIGNMENT

3.01 Policy – Authorized Vehicle Assignments

The following State officials and employees are authorized to be assigned a State vehicle in accordance with DBM policy.

- (1) Statewide elected officials.
- (2) Statewide elected officials' staff as approved by the Governor.
 - a. Cabinet Secretaries and Cabinet Deputy Secretaries.
 - b. Heads of Departments and Agencies with written approval of the Secretary, DBM.
- (3) Appointed officials.
- (4) State Police as specified in Section 15(b) of Article 88B of the Annotated Code.
- (5) Other State employees who meet the State's assignment criteria in accordance with Section 3.02 below.

3.02 Policies – Assignment Criteria

The assignment of a State vehicle to an individual State employee is based on the principle that the assignment results in the most effective and economical use of the vehicle. It is not the policy of the State to assign State vehicles to individual State employee as employment compensation.

- .01** State vehicles may be assigned by agencies to those State employees who travel the greatest number of official miles in excess of 10,000 miles per year, unless the Secretary of DBM determines that the use of a State vehicle is required for the efficient operation of a State program regardless of the miles traveled.
- .02** Assigned vehicles shall not transfer with employees who move to another position. Upon vacancy, the positions that are assigned vehicles will be re-evaluated by the agency to determine the continued need for a State vehicle.
- .03** State vehicles shall not be assigned to an individual whose driving record indicates the inability to operate a vehicle in a safe or responsible manner.
- .04** State vehicles not in use shall be available for other employees requiring transportation for official business.
- .05** Assignments shall not be made on the basis of seniority or classification of an individual. Assignments of State vehicles shall be made to positions meeting the established criteria.
- .06** When a vehicle assignment is terminated, the employee may be given time after notice of vehicle assignment termination to make other arrangements for transportation. However, if granted, such time shall not extend beyond two (2) months.
- .07** Agency Heads shall evaluate the benefits of pooling State vehicles to increase utilization of vehicles and promote flexibility of employee transportation.
- .08** Agencies shall monitor usage of their State vehicles to ensure that the vehicles accumulate the required 10,000 official mile minimum. Non-conforming vehicles shall be reassigned by the agency.

- .09 If an improper or inefficient vehicle assignment continues to exist within the department or agency, the Secretary shall notify the agency that the vehicle needs to be reassigned. Should the agency not take action on the vehicle within sixty (60) days after notification, the Secretary shall take action to assure that the vehicle is reassigned or declared surplus.

3.03 Vehicle Assignment Boards

Each department and agency shall establish a Vehicle Assignment Board to identify fleet problems and make recommendations to the Agency Head for improving fleet efficiency and economy. Members shall include management level employees. The duties of the Vehicle Assignment Boards include:

Coordinating agency travel requirements to ensure the efficient and economic utilization of all State vehicles and privately-owned vehicles where reimbursement for mileage will be provided.

Identifying those State vehicles that are not fully utilized.

Reviewing the agency's compliance to the 10,000-mile requirement and recommending reassignment to ensure compliance.

Evaluating agency private-vehicle travel reimbursement patterns.

3.04 Driving Record Review

- .01 Agencies shall exercise great care in allowing persons to operate State vehicles. The Agency Head or Agency Fleet Manager shall review the driving record of each agency employee permitted to use a State vehicle when: 1) the employee begins working for the agency, 2) information is received regarding an employee's point accumulation for a moving violation via the MVA's Special Attention Code Flag System, and 3) at least every two years thereafter.

- .02** All State agencies are to utilize the MVA's Special Attention Code Flag System, whenever possible, as a resource in performing the driver record review function. For more information contact:

Section Manager, Division of Administrative Adjudication
Motor Vehicle Administration
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
(410) 768-7225

- .03** Employees whose driving record shows an accumulation of six (6) or more points for moving violations shall not be allowed to operate a State vehicle. Employees whose driving record shows an accumulation of six (6) or more points for moving violations may be reimbursed for use of a private vehicle at no more than one-half the effective State reimbursement rate.
- .04** Any employee whose driver's license is suspended or revoked shall not be allowed to operate a motor vehicle on State business during the period such suspension or revocation is in effect.

4.00 LICENSE TAGS FOR STATE VEHICLES

4.01 Policies

- .01** All State vehicles shall be identified by a special license tag.
- .02** The State Fleet Administrator may approve requests for unmarked license plates for State vehicles. Requests shall be made by the Agency Head in writing to the DBM Fleet Administrator.

Unmarked license plates on State vehicles may be permitted for the following:

- (1) Statewide elected officials and members of their staff as designated by the elected official.
 - (2) Executive appointees requiring legislative consent.
 - (3) Department Secretaries and Deputy Secretaries.
 - (4) Heads of major independent agencies not under a Secretariat.
 - (5) Vehicles used on a frequent basis in undercover law enforcement assignments.
 - (6) Vehicles used by other State personnel in the performance of their official duties, wherein the identification of such vehicles would not be in the best interests of the State.
- .03** Unmarked license plates used under .02 (4), (5), (6) above must have written approval from the State Fleet Administrator.

- .04** Unmarked license plates permitted under .02 (4), (5), (6) above shall not be transferred to another State vehicle without written approval from State Fleet Administrator.
- .05** A record of all State vehicles with unmarked license plates and the reasons therefore shall be filed with the MVA at the time application is made for tag renewal or new tags.
- .06** Motor vehicles identified as State vehicles are exempt from vehicle license registration fees. License plates for such vehicles are supplied by MVA gratis.

4.02 Agency Responsibility

The agency shall present the certificate of Origin, an application for New Vehicle Title and application for transfer of old or issuance of new tags to MVA for processing. Any fees in connection with this transaction are the responsibility of the using agency, e.g., undercover vehicles or vehicles otherwise not identified as State.

5.00 PRIVATE MILEAGE REIMBURSEMENT

5.01 Policies

- .01** State employees may be required to use their personal vehicles in order to carry out their assigned duties if a State vehicle is not available or if the employee does not satisfy the assignment criteria. The State is not required to provide a State vehicle to employees who refuse to use their own vehicles to perform their assigned duties.
- .02** Authorized persons who use a privately owned motor vehicle for official State business shall be reimbursed in accordance with the DBM approved rate. Should an employee prefer to use a privately owned vehicle when a State vehicle is available for conducting official business, the employee shall only be reimbursed at one-half the standard rate allowed for the use of privately owned vehicles.
- .03** Authorized drivers shall be reimbursed for reasonable parking and toll expenses incurred while conducting State business in a privately owned vehicle.
- .04** The State shall not reimburse State employees for any increased insurance premiums attributable to use of their vehicle for State business. Reimbursement for insurance is reflected in the mileage reimbursement rate.
- .05** **Reimbursable Mileage**

Reimbursement is based on the principle that the employee should be reimbursed for all official business mileage accumulated in a private vehicle which is beyond the normal round trip mileage incurred from the employee's home to the permanently assigned office/work station and back home again.

- (1) A State employee who leaves the office to conduct business in the field and returns to the office may be reimbursed for all mileage directly connected

with the business trip (i.e. mileage from the office to the field site and back to the office) because the driver will have driven his normal daily commute to and from the office by the end of day.

- (1) A State employee who leaves home to conduct business without stopping at the assigned office may be reimbursed for all mileage directly connected with the business trip, which is in excess of the commute miles normally traveled i.e. total official miles driven minus normal daily commute miles. In this situation, the driver has not driven his normal daily commute and therefore must subtract it from the total official miles driven.
- (2) A State employee, who conducts State business prior to coming into the assigned office, or on the way home from the assigned office, may be reimbursed for all mileage in excess of the commute miles normally traveled.
- (4) These policies apply to any day in which the employee traveled in a private vehicle to conduct State business including a normal working day, after hour's business travel, and business travel on Saturday, Sunday or holidays.

.06 The Agency Head is responsible for ensuring that reimbursement of employees for the use of a privately owned vehicle is controlled and authorized only in the State's interest.

The Agency Head is also responsible for reporting private mileage reimbursement information to the DBM Fleet Administrator (also see Section 14).

.07 The current private mileage reimbursement rate is available on the DBM website at http://www.dbm.state.md.us/html/fleet_manage_unit.html

6.00 COMMUTE

6.01 General Policy

Except as otherwise provided, all State employees who use a State vehicle for commuting purposes shall be subject to a commute charge to be collected by payroll deduction each pay period.

6.02 Exemptions

.01 The following elected officials are exempt from paying the commute charge:

- (1) Governor
- (2) Lieutenant Governor
- (3) Comptroller of the Treasury
- (4) Attorney General
- (5) State Treasurer

.02 All other drivers who are assigned State vehicles will be subject to the commute charge except those exempted by the Agency Head and approved by DBM. These exemptions can be made only if the exemption, on balance, serves to benefit the State and not the individual driver, and only after the Agency Head and DBM have made a determination that the vehicle assignment comes within any of the following conditions:

- (1) Assigned vehicle is not used to commute but remains garaged overnight at the employee's assigned office. Vehicles that are driven by employees from their assigned office to a regional office, branch, or any other type of sub-unit of the State and parked overnight do not qualify under this exemption.
- (2) Vehicle is assigned to an employee whose duties are primarily field assignments and who reports to the designated office on an average of once

a week or less as certified by the Agency Head. Employee's whose designated office is a regional or branch office must use their designated office for purposes of determining exception eligibility. Drivers shall not selectively choose a designated office site for purposes of qualifying for a commute exception.

(3) Vehicle is assigned to a Law Enforcement Officer. Law Enforcement Officer means one who is employed full-time in that capacity and is responsible for the prevention or investigation of crime involving injury to persons or property, and who is authorized to carry firearms (and actually does carry firearms), execute search warrants and make arrests.

(4) Vehicle is equipped with highly specialized, affixed or bulky equipment necessary to respond to emergency needs and the assigned driver is subject to emergency call out at times other than scheduled working hours. Examples of vehicle types are bomb disposal trucks, haz-mat response trucks, and traffic signal repair trucks. Vehicles must be specifically designed and used to carry and store the highly specialized emergency equipment. Equipment that easily can be transported in any vehicle such as two-way radios, emergency lights, and other job incidental ancillary equipment do not qualify as highly specialized.

.03 Exemptions granted under 6.02.02 must be documented on the MFOMS-18 Certification of Exemption, State Motor Vehicle Commute Charge approved by the Agency Head and DBM (Appendix 2). These exemptions shall be subject to audit.

6.03 Policies

- .01** Any assignment of State vehicles by the agency to individuals shall be made solely on requirements for official use. Commuting usage shall only be considered in terms of evaluating the overall cost-effectiveness of the assignment.
- .02** No State employee may drive a State vehicle for regular daily commuting purposes if the employee is not the assigned driver of the vehicle except where the Agency Head certifies there is a lack of adequate security for overnight parking of Vehicles. Employees who are allowed to commute in vehicles due to inadequate security for the vehicle are subject to the commute charge unless exempted in writing by the State Fleet Administrator. In such cases, the Agency Head must provide documentation on State or privately-owned vehicle losses or on the reasonable assumption that losses will occur in the parking area due to lack of security and provide evidence that the cost of overnight secure parking would exceed the cost of commuting, or certify that no secure facilities are available in the area. This documentation is to be submitted to the State Fleet Administrator.
- .03** If a cost-sharing agreement is undertaken between the assigned driver and other State employees engaged in car-pooling in a State vehicle, recoveries by the assigned driver may not exceed the commute charge. Such arrangements should be monitored by the Agency Head.
- .04** If an employee leaves home in a State vehicle and comes into the assigned office any time during the day; the normal one-way commute mileage shall be recorded on the VMILOO (Vehicle Log). Should the employee also return home that same day, a normal two-way commute shall also be recorded on the VMILOO. However, should an employee leave home and conduct business in the field, not stopping at the assigned office, no commute mileage need be entered on the VMILOO.

- .05 No adjustments will be made in the commute fee for State Holidays, Annual Leave, Sick Leave or Personal Leave for periods less than one week. (See 6.04.03 (1)). Where such absence exceeds two working days, the vehicle is to be left at Agency headquarters, and the Agency Head may designate temporary reassignment in accordance with the assignment criteria. Adjustments for periods exceeding one week may be made to the assigned driver by expense account.
- .06 A State Auto Commute Charge form (MFOMS-17) shall be completed by the agency for each driver that is subject to a commute charge. Completed MFOMS-17s shall be forwarded to the DBM Fleet Administrator for processing (Appendix 3). These forms shall be returned to the agency after processing. Agencies shall maintain a current file containing all completed MFOMS-17s.
- .07 The Agency Head is responsible for reporting State vehicle/driver commute status to the DBM Fleet Administrator (also see Section 14).
- .08 Pool vehicles shall be restricted to official business use only. No round trip commuting in pool vehicles shall be allowed except as cited in 6.03.02. The only other exception to this policy will be for the convenience of the State, limited to an occasional one-way commute per day to provide for early departures to or late return from field assignments for official business purposes.

6.04 Commute Reimbursement Rate

- .01 The commute reimbursement rate shall be established by DBM. The current commute reimbursement rate table is available on the DBM website at http://www.dbm.state.md.us/html/fleet_manage_unit.html
- .02 Commute charges paid via payroll deduction by an employee for use of a State vehicle to commute will be credited by Central Payroll directly to the respective agency's Object .07 account. Any refunds to employees for the commute

program will be paid from Object .07 via a State of Maryland Expense Account (GAD Form X-5).

.03 Refund Policy

Drivers who have paid commute charges may be eligible to receive a refund under the following conditions:

(1) Absence from Work: If the driver has been absent from work on State holidays or leave (i.e. sick, annual, personal or leave without pay) or any combination thereof, in excess of five (5) consecutive working days, that driver may be eligible to receive a refund of commute charges paid. The refund shall only be calculated for those days absent in excess of five (5) consecutive working days. The refund shall be calculated on a per diem basis.

(2) Change in Amount of Commute:

A driver may be eligible for a refund if the driver has moved and this move has resulted in reduction of commute miles. The driver shall be reimbursed for the difference between what was paid and what should have been paid from the time the change becomes effective until the time the change is reflected in the payroll deduction.

(3) Change in Vehicle Assignment:

A driver may be eligible for a refund for that period when the vehicle assignment was not subject to a commute charge, i.e., a State vehicle is no longer assigned to the driver, a change in driver's work assignment results in an exemption, etc. The refund shall be calculated on a per diem basis not to exceed the amount actually withheld for that period.

7.00 FRINGE BENEFIT

7.01 Background

Every employee who uses a State or leased motor vehicle one or more times for personal use including commuting may be required to include use of the vehicle as a fringe benefit for tax purposes unless specifically exempted by the IRS. The taxable fringe benefit typically is the fair market value of the vehicle, which includes all capital costs and expenses incidental to the operation of the motor vehicle, including all salaries, fringe benefits and other expenses of a chauffeur less the amount paid to the State for use of a vehicle.

The Internal Revenue Service has guidelines for reporting and withholding on taxable fringe benefits. Based on these guidelines, the Secretary of Budget and Management will make the determinations required and notify the employees. Generally, agency records must be kept that are detailed enough to identify employees who commute in State vehicles and the mileage driven for such commute/personal usage.

The State of Maryland is electing not to deduct and withhold Federal and State income taxes with respect to the non-cash fringe benefits attributable to an employee's personal use of a State vehicle provided by the State. The value of the fringe benefit will be included on the employee's bi-weekly earnings statement and on the annual Wage and Tax Statement (Form W-2). FICA (Social Security) tax will be withheld from employees who are FICA taxable.

More information concerning the fringe benefit program is available on the DBM website at http://www.dbm.state.md.us/html/fleet_manage_unit.html

7.02 Responsibility

- .01** Agency heads shall ensure that agency records are maintained identifying each employee who is permanently assigned a State vehicle and uses the vehicle for commute/personal use purposes. Records of commute mileage/personal use mileage for these employees shall also be maintained by the agency. Such records shall be maintained even if the employee is exempt from State commute charges and be available for substantiation of employee IRS fringe value reporting.

- .02** Each agency head is responsible for assuring that each employee who is required to do so reports the requested information in accordance with DBM notifications and IRS guidelines.

- .03** Using records established in **7.02.01** the agency is responsible for checking the annual employee calculation forms for completeness and for substantiating the reasonableness of commute/personal usage values reported prior to submission to the DBM Fleet Administration Unit.

- .04** Each employee is personally responsible to the IRS for the submission of accurate information to his employer.

- .05** DBM is responsible for ensuring agency responses and for forwarding the information as received from the agency to the Central Payroll Division. DBM is not responsible for the accuracy or completeness of the submitted information.

8.00 VEHICLE INSURANCE

8.01 Background

The State of Maryland has been self-insured since July 1986. Responsibility for this activity lies with the Office of the Treasurer.

Each year the Treasurer requests a self-reported inventory from each agency to determine the number of vehicles to be insured. There are a few exceptions where a commercial policy has been purchased, and the Treasurer chooses not to self-insure. Additional information can be supplied by the Underwriting and Risk Manager in the Office of the State Treasurer.

8.02 Policy

State agencies are to conduct vehicle related insurance activities in accordance with the current insurance policies and procedures as adopted by the Office of the State Treasurer. (Also see Section 15).

9.00 ACQUISITIONS AND TRANSFER OF VEHICLES

9.01 Exceptions

.01 Department of Transportation and the Maryland Transportation Authority have the direct authority to procure rolling stock and other property peculiar to the operation of a transit system. (State Finance and Procurement Article, Section 12-107)

.02 These agencies may directly purchase, lease or rent motor vehicles:

(1) University College, University of Maryland System for use in overseas programs. (Education Article, Section 13-114, State Finance and Procurement Article, Section 3-501)

(2) The Maryland Port Administration. (State Finance and Procurement Article, Section 3-501)

9.02 Acquisition Policies

Standard State automobiles and light trucks and vans shall be limited to specifications as approved by the Board of Public Works (BPW) upon the recommendation of the Department of Budget and Management. The Department of General Services is normally the procuring agency. Minor changes for specific vehicle requests may be approved by the DBM Fleet Administrator based on agency needs and budgetary considerations

Specifications shall take into consideration the most economical type of vehicle available in a particular model year that will be efficient for the needs of the State.

.01 Cabinet Secretaries, Deputy Secretaries, and Heads of major independent agencies not under a Secretariat as approved by the Secretary shall be eligible for

an executive type State vehicle in accordance with specifications approved by DBM/BPW.

- .02** Any passenger vehicle to be used by a State officer or employee other than an elected official or law enforcement personnel will comply with the appropriate standard specifications.
- .03** All acquisitions of motor vehicles (including new, used, surplus and/or leased) must be approved by DBM/BPW before the agency enters into a contract for or makes use of the vehicle. The sole exception to this policy is passenger vehicles rented through the travel services contractor while in travel status. (See Standard Travel Regulations COMAR 23.02.01.)
- .04** The DBM Fleet Administrator shall approve agency vehicle purchase requests from State standard specifications prior to procurement to ensure that:

 - Funds are authorized.
 - The request is as budgeted.
 - The request is appropriate and in accordance with policy.
- .05** Vehicle specifications/requests not in accordance with the approved standard specifications must be approved by DBM/BPW prior to procurement.
- .06** Agency vehicle acquisition and related expense/performance data shall be recorded/reported in accordance with Section 14 of this document.

9.03 Acquisition of Alternative Fuel Vehicles (AFVs)

.01 At least 75% of the non-excluded light duty vehicles (LDVs) purchased by an agency fleet covered by EPAAct regulations during the annual reporting period shall consist of AFVs. Federal EPAAct regulations define a “covered fleet” as a fleet that meets the following criteria:

- (1) An agency fleet owns or operates at least 50 “non-excluded” LDVs used primarily in a covered area, **and**
- (2) At least 20 of these non-excluded 50 LDVs can be centrally fueled

.02 LDVs “excluded” from the EPAAct acquisition requirement include:

- (1) Emergency motor vehicles – Vehicles legally authorized to exceed the speed limit when speed is required to save lives or property. Examples include rescue vehicles, fire trucks and ambulances.
- (2) Law enforcement vehicles – Vehicles operated for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance or patrol of people engaged in or potentially engaged in unlawful activities.
- (3) Non-road vehicles – Vehicles used principally for industrial, farming or commercial use; for rail transportation; at airports; for marine purposes; and other vehicles not licensed for on-road use.
- (4) Assigned/Commute vehicles – Vehicles that are parked at private residences when not in use.

- .03** For purposes of EAct annual reporting requirements, LDVs acquired from September 1 of the previous year through August 31 of the current year are included in the vehicle acquisition count. For example, LDVs included in the 2002 count would include vehicles acquired from September 1, 2001 through August 31, 2002. The acquisition date is defined in EAct regulations as that day in which the agency took physical possession of the vehicle.

9.04 Vehicle Transfer Policies

- .01** All requests to transfer State vehicles between units which report to or are responsible to a common administrative head shall be submitted in writing to the DBM Fleet Administrator and must be approved by the Fleet Administrator prior to effecting the transfer of the State vehicle.
- .02** Transfers of motor vehicles shall not be permitted between or among units of State Government which are not responsible to a common administrative head, except as described in the following paragraph.
- .03** When a unit of State Government determines that a motor vehicle is no longer required by that unit, and the motor vehicle is not required by another unit responsible to a common administrative head, the motor vehicle shall be declared excess. A DGS Excess Property Declaration form shall be prepared and submitted to the DBM State Fleet Administrator at the same time the appropriate number of copies of the form are forwarded to the DGS Inventory Management Section. The DBM State Fleet Administrator will approve or disprove the request, as applicable. The DGS Inventory Management Section will not initiate processes to dispose of the motor vehicle until an approved copy of the Excess Property Declaration is received from the State Fleet Administrator.

9.05 Procedure for Acquisition of State Vehicles Declared Excess

- .01** An agency head may request assignment of vehicles declared excess by another agency. Any requests shall be made in writing to the Fleet Administrator, Department of Budget and Management.
- .02** The Fleet Administrator, Department of Budget and Management, may approve or disapprove the request and so notify the requesting agency in writing.
- .03** The requesting agency shall complete the approved acquisition.
- .04** Excess vehicles (transfers) acquired by agencies shall be recorded/reported in accordance with Section 14 of the document.

10.00 DISPOSITION OF VEHICLES

10.01 Policies

.01 Disposition of State vehicles shall be approved by the DBM Fleet Administrator prior to disposition of the vehicle.

.02 The method of disposition shall be determined by DGS. Procedures are addressed in Section IV and Appendix I of the DGS/ISSD Inventory Control Manual.

.03 Vehicle Replacement

State vehicle replacement criteria shall be determined by DBM. The current replacement criteria requires that:

- The vehicle accumulate at least 100,000 miles on or before the anticipated replacement date, or
- The DBM Fleet Administrator determines that the repair expenses for a particular vehicle have exceeded acceptable parameters.

.04 If an agency requisitions a motor vehicle as a replacement for an existing motor vehicle, the vehicle for which replacement is being requested shall be declared excess personal property unless waived by the DBM Fleet Administrator.

.05 Executive cars eligible for replacement must be declared excess personal property unless reassigned internally to an eligible executive as a replacement vehicle.

.06 If an agency desires to retain, for any reason including use for spare parts, a motor vehicle for which a replacement is requested, a written request for a waiver shall

be attached to the applicable purchase requisition. The DBM Fleet Administrator will review the request and approve or disapprove it.

- .07** When an agency determines that a motor vehicle is no longer required, the motor vehicle shall be declared excess. (See Vehicle Transfer Policies 9.03.02.)
- .08** If State vehicle is damaged beyond repair as a result of misuse or gross negligence, the operator may be required to make restitution. Restitution shall be limited to the amount of the then current wholesale value of the vehicle as reported in the National Auto Research Black Book Used Car Market Guide, MD Edition. The employee having made such restitution will then be entitled to the damaged vehicle.
- .09** Any defacement to the body of the vehicle resulting from the removal of accessories added by the employee, e.g., CB radios, hang-on air conditioners, etc., shall be repaired prior to disposition at the employee's expense. The agency's fleet manager shall certify that this has been done.
- .10** All agency fleet managers shall assure that vehicles to be replaced are clean (inside and out) when traded in for replacement.

10.02 Vehicle Disposition Procedures

- .01** Disposition of motor vehicles is to be completed by the agency in accordance with DGS motor vehicle disposition procedures.
- .02** The agency shall record/report the disposal of vehicles in accordance with Section 14 of the documentation.

11.00 ACCESSORIES

11.01 Policies

.01 Purchase of any accessory for a State vehicle shall have prior written approval by the DBM Fleet Administrator.

.02 The DBM Fleet Administrator may approve the addition of equipment to State vehicles at the driver's own expense, e.g., CB radios, stereo tape decks, hang-on air conditioner units, additional side mirrors, etc.

However, any alterations such as holes in the body or dash of the vehicle to accommodate these accessories may have a negative effect on the resale value when the vehicle is replaced. Therefore, it shall be required that any defacement to the body of the vehicle for the addition of such equipment must be repaired at the driver's expense prior to being turned in for resale.

.03 Section 11-118 of the Transportation Article limits the use of blue emergency lights to emergency vehicles only. Therefore agencies shall not add blue emergency lights to any vehicle that does not meet the definition of an emergency vehicle.

For the purposes of this article, the following vehicles are defined as emergency vehicles:

- (1) Law enforcement vehicles
- (2) Fire and rescue vehicles
- (3) Vehicles responding to hazardous materials spills
- (4) Division of Correction emergency vehicles
- (5) Ambulances, and
- (6) Special vehicles used for emergency or rescue purposes

- .04** Agencies with vehicles that meet the definition of an emergency vehicle may apply for approval to use blue emergency lights by contacting the Motor Vehicle Administration and requesting an “Application for Approval of Emergency Vehicles or Service Vehicles.”

12.00 GASOLINE, OIL, TIRES AND BATTERIES

12.01 Gasoline and Oil

- (1) State vehicles shall obtain gasoline/oil from the Statewide Automated Fuel Dispensing and Management System except for emergencies or rare and unusual instances when such use is not possible.
- (2) Managers of agency fleets operating bi-fuel or flex-fuel vehicles shall instruct drivers to use alternative fuel when available.
- (3) Access/payment for using the Statewide Automated Fuel Dispensing System is completed by drivers using fuel service cards. Arrangements for fuel service cards are to be made by the agency's fleet manager/coordinator. Agency fleet managers/coordinators may contact the DGS Inventory Standards and Support Service Division for information.
- (4) State of Maryland/commercial credit cards shall not be authorized by the agencies for obtaining commercial fuel/oil for State vehicles except for Statewide elected officials, Secretaries, and Deputy Secretaries to be used only under circumstances wherein use of a Statewide pump is not feasible. Other exceptions must be approved in writing by the Secretary, DGS, or designee based on written requests and justification from agency heads.
- (5) Fuel obtained from commercial sources during emergency or unusual circumstances shall be from locations offering the lowest price possible.
- (6) Agencies with vehicle fuel/oil procured in bulk from DGS contracts may allow their vehicles to use bulk fuels/oil.

12.02 Tires and Batteries

Agencies **without** in-house maintenance and repair capabilities have the option of obtaining tires and batteries using the existing national fleet service agreement for maintenance and repair or the current Department of General Services (DGS) tire and battery contract. Agencies **with** in-house maintenance and repair capabilities shall continue to use the current DGS tire and batteries contract.

13.00 MAINTENANCE AND REPAIR

13.01 Policies

.01 Agencies shall use the existing national fleet service agreement for maintenance and repair of all sedans, light trucks and vans with the exception of:

- Agencies having in-house maintenance and repair capabilities.
- Emergency conditions when the vehicle cannot be safely driven or towed to a national service vendor.
- Agencies exempted in writing by the Secretary, DBM.

.02 Unless the agency is exempt from use of the national fleet service agreement as stated in 13.01.01, the agency shall enroll its sedans and LTV's with the national fleet service contractor per the established procedures.

.03 Agency fleet managers should obtain current agreement information by contacting DBM Fleet Administration. Currently the State has an agreement with PHH FleetAmerica Corporation to provide national fleet account services for maintenance/repair for State vehicles. Services are available through a number of authorized chains and dealerships throughout the State. A current listing of participating vendors is available on the DBM Fleet website at <http://www.dbm.state.md.us/html/phhnet.pdf>. Employees should contact their agency fleet manager/coordinator for additional information.

.04 Agency fleet managers shall consult with PHH automotive specialists prior to having repairs performed that are expected to exceed \$300. Agency fleet managers retain the option of consulting with PHH specialists for repairs that are expected to be less than \$300.

.05 Repairs, which are estimated to exceed twenty percent (20%) of the purchase price of the motor vehicle, may not be made unless approved in writing by the Fleet Administrator, DBM.

.06 All State agencies must have a formal inspection program for State vehicles to assure that vehicles are clean, properly equipped, maintained, and in good repair. Requirements include that:

- (1) A responsible staff member is to be designated to implement this program and the DBM Fleet Administrator shall be notified of the individual responsible for its enforcement.
- (2) A copy of the Vehicle Inspection Report form shall be completed every April and October for each State vehicle where existing programs do not maintain corresponding records (Appendix 4).
- (3) Inspection records are to be kept on file at agency headquarters and shall be available for audit.
- (4) Unsatisfactory conditions shall be corrected within seven (7) days and such action recorded on the inspection sheet.

13.02 National Account Fleet Services Procedures

.01 Upon completion of the agency vehicle enrollment process, the contractor may issue service cards to agencies for each vehicle enrolled. The service cards allow authorized agency drivers to obtain maintenance and repair preventative maintenance, and emergency road services for State vehicles at National Fleet Account discount rates. Agencies shall not authorize drivers to utilize service cards for any other services or use.

.02 The agency is responsible for the control, use, misuse, theft or loss of the card. Written procedures shall be developed and implemented by the agency prior to distribution of the service cards to drivers. Procedures shall provide for:

- Obtaining a signed statement from each driver indicating an understanding of proper service card usage and acknowledging that the driver will be held accountable for proper use of the card including the immediate reporting of loss, theft or known unauthorized use of the card to the agency fleet manager or other appropriate position as designated by the agency.
- Maintaining a record keeping system identifying the vehicle to which the card is assigned, the name of the driver in possession of each service card by number, the date the card was issued and the date the card was returned.

.03 The contractor may supply information packets to the agencies for each enrolled vehicle. The packets contain information explaining procedures and locations where the service cards may be used. Agency fleet managers will receive a complete listing of participating vendors with locations and prices. This listing will be periodically updated by the contractor and sent to agency fleet managers.

.04 Repairs in excess of \$ 300 shall be approved by the agency fleet manager (or other agency designee) prior to services being obtained and after consultation with the PHH automotive specialist

.05 In the event that a service card is lost, stolen or being used without authorization, the agency shall immediately notify the contractor in writing and the agency's responsibility may cease after seven (7) days following the contractor's receipt of the written notification. The agency will use its best efforts to recover service cards that are lost, stolen or being used without authorization.

Agencies that do not implement the control procedures as described in 13.02.02 may be liable for all unauthorized charges made with service cards assigned to that agency.

- .06** The National Fleet Service contractor will compile and forward the invoices and billing statements to each agency for payment.
- .07** The agency is responsible for reviewing, approving and paying invoices for services provided through the national fleet service contract. The agency will normally deal directly with the national fleet service contractor's account representative to resolve any billing discrepancies, improper charges or service problems that may occur. The DBM Fleet Administration Unit may be contacted if unsuccessful problem resolution continues to occur with the national fleet service contractor.
- .08** The current National Fleet Account service contract is with:

PHH FleetAmerica Corporation
307 International Circle
Hunt Valley, Maryland 21030-1337

14.00 MARYLAND FLEET MANAGEMENT INFORMATION SYSTEM (MFMIS/WEBFLEETMASTER)

14.01 Policies

- .01** MFMIS or WebFleetMaster shall be the official record and reporting method for State sedans/LTV's, for commuting in State vehicles, and for private vehicle reimbursement. All agencies shall comply with the requirements of the MFMIS reporting system.
- .02** Each agency shall maintain a copy of the MFMIS Users Manual. This manual provides specific instructions for entering data, up-line reporting, and utilizing MFMIS capabilities in support of agency fleet management activities. A copy of the MFMIS Users Manual is available in the help section of WebFleetMaster at <http://167.102.1.90/webfleetmaster/help/WebFleetUserManual.html>
- .03** The agency shall be responsible for the accuracy of data entry for MFMIS, and up-line data submission to the State Fleet Administrator.
- .04** Agencies shall establish procedures to ensure timely and accurate MFMIS data entry. Data entry sources shall include:

<u>Item</u>	<u>Source</u>
- Vehicle Utilization/Mileage	Vehicle Logs (VMILOO)
- Vehicle Operating Expenses	Agency vehicle bills, invoices, in-house records for fuel, oil, maintenance and repairs, expense forms (VRPTOO)
- Vehicle (acquisition, transfer, disposal) Inventory	Vehicle Inventory Form (VINVOO),

- Private Vehicle Reimbursement Agency Fiscal Documentation, POV Form
(DPOVOO)

- Vehicle Driver/Commute Status Driver Management Form (DMNGOO),
MFOMS-17

.05 The agency shall complete on-line reporting to the DBM Fleet Administrator by the 10th of each month. Support documentation for data entry shall be maintained on file in the agency for audit and management control purposes.

.06 The agency shall be responsible for analyzing the MFMIS management reports supplied by MFMIS to optimize agency fleet management effectiveness and economy.

15.00 VEHICLE SAFETY AND ACCIDENT REPORTING

15.01 Policies

- .01** Agencies shall promote and manage vehicle safety, driver safety, driver training, accident control/reporting, and driver corrective action efforts.

15.02 Minimum Requirements

- (1) Agencies shall provide driver training to new employees who are expected to operate motor vehicles as part of their official work assignment before they operate vehicles on the job. At a minimum, such training shall be provided by a qualified instructor and address:
- vehicle familiarization
 - safe vehicle operation
 - use of restraint systems
 - driving policy/rules
 - defensive driving techniques
 - preventable accidents
 - accident procedures
- (2) Agencies shall also provide refresher driver training every two years for all employees who are expected to operate vehicles as part of their official work assignment. Employees expected to operate motor vehicles as part of their official work are those with job descriptions/responsibilities requiring regular and routine motor vehicle operations. At a minimum, refresher training shall review the items addressed in **Section 15.02 (1)**.
- (3) Accident/control/reporting procedures are listed with **Appendix 5** of this document.

- (4) Agencies shall complete and maintain driver-training records for management and audit purposes.
- (5) Agencies shall identify a Fleet Safety Coordinator. The Fleet Safety Coordinator shall:
 - (a) Generally promote and coordinate agency vehicle safety and driver training.
 - (b) Staff the agency's Accident Review Board.
 - (c) Coordinate with the State Treasurer's Office Insurance Manager and/or the agency insurance coordinator concerning agency vehicle accidents.
 - (d) Ensure and coordinate appropriate completion (see **Appendix 5**) of the:
 - Accident Report (ACORD form)
 - Motor Vehicle Investigation Guide (FS-1 Form)
 - Accident Review Board Work Sheet (FS-2 Form)
 - Corrective Action Evaluation Sheet (FS-3 Form)
 - Approved Recommendations/Determinations
- (6) Agencies shall establish an agency Accident Review Board.
 - a. The Board shall review agency vehicle accidents to determine:
 - (1) Driver history/performance.
 - (2) Accident cause(s)/conditions.
 - (3) Accident preventability.
 - (4) Necessary driver corrective action.

- b. The Board shall provide a summary of findings and recommendations to the agency head or designee. If the accident is found preventable, the Board shall recommend driver corrective action. (See **Appendix 5**.)
- (7) The agency head or designee shall review Accident Review Board findings and recommendations. Approved recommendations shall be returned to appropriate supervision for action.
- (8) Agency drivers shall operate State vehicles in accordance with Section **2.01.02**. In the event of an accident, drivers should follow guidelines found within **Appendix 5**, Section A.

15.03 Occupant Restraint Devices Policy

Agencies are responsible for promulgation and enforcement of this regulation within their respective agency.

- (1) All State vehicles shall be equipped with such occupant restraint devices (e.g., seat belts, shoulder harness, air bags, etc.) as mandated by Federal Motor Vehicle Safety Standards in effect at the time the particular vehicle was manufactured.
- (2) All occupant restraint devices installed in State vehicles shall be maintained in proper operating condition. The head of the agency to which the vehicle is assigned shall be responsible for making sure that these devices are maintained in proper working order.
- (3) Except as specified in paragraph 7 of this regulation, no State employee or other person shall operate a State vehicle in which the occupant restraint devices for each occupied seating position in the front seat are not completely operational.

- (4) Except as provided in paragraph 7 of this regulation, no person may drive or ride in a State vehicle, or any other motor vehicle being used to conduct official State business, unless properly restrained by the occupant restraint device available at the occupied seating position. Any time a passenger is not a State employee, it shall be the driver's responsibility to ensure that the passenger uses the available restraint device.
- (5) Personnel found to be in violation of this regulation are subject to disciplinary action as follows:
- a. First instance - counseling by supervisor followed by memorandum of understanding.
 - b. Second instance or any subsequent instances – counseling by supervisor and notation in the employee's personnel employment record.
 - c. Three instances within any 180-day period – an official reprimand recorded in the employee's personnel employment record.
 - d. Four or more instances within any 180-day period – suspension of the privilege of using a State vehicle for a period of six months.
 - e. Any instance noted in an accident report, or developed in subsequent investigation of an accident involving a State vehicle, which indicates that the front seat occupant restraint devices in the State vehicle were not being properly utilized when the accident occurred, shall be reviewed by the agency head. The first such accident related instance shall result in appropriate counseling and an official reprimand entered into the responsible employee's personnel history file. Any subsequent accident related instances shall result in the suspension of the State vehicle driver's privilege of driving a State vehicle for a period of one (1) year.

NOTE:

During the time period when any such suspension is in effect, the person subject to the suspension may not be reimbursed for the use of a privately owned vehicle in the conduct of State business at a rate greater than one-half the normal private mileage reimbursement rate in effect during the period of suspension.

- (6) Except as specified in Section 15.02(8) of this regulation, any attempt by a State employee to disable the occupant restraint devices installed in a State vehicle shall be deemed an act of willful insubordination and destruction of State property subject to immediate suspension without pay pending filing of charges for dismissal.
- (7) A State employee may operate a State vehicle without using the occupant restraint devices only when it is necessary in order to transport the vehicle directly to the repair facility where the devices are to be repaired or replaced and made fully operational.
- (8) The occupant restraint devices installed in a State vehicle may be temporarily disabled or removed by vehicle maintenance personnel only when it is necessary in order to perform maintenance on or effect repairs to the vehicle or the restraint system.
- (9) The agency head is responsible for the implementation and enforcement of this regulation for vehicles assigned to the agency.

APPENDICES

Appendix 1

STATE OF MARYLAND
DEPARTMENT OF BUDGET AND MANAGEMENT
45 CALVERT STREET, ANNAPOLIS, MARYLAND 21401-1907

TO: ALL DRIVERS OF STATE VEHICLES

Attached is a copy of the General Rules for Drivers of State Vehicles.

Drivers are requested to carefully read all of the rules, sign the acknowledgment at the bottom of the page and return same to the Agency Department Head.

State vehicles shall be operated only by drivers who have signed this acknowledgment.

Drivers of State vehicles who are found in violation of these rules are subject to disciplinary action.

ACKNOWLEDGEMENT

The undersigned certifies he/she has read all the General Rules for Drivers of State Vehicles.

I am aware that a violation of these rules would be just cause for disciplinary action under the State Merit System Law.

SIGNED: _____

NAME: _____

AGENCY: _____

CLASSIFICATION: _____

DATE: _____

(Please print or type all information)

Appendix 1 (cont'd)

General Rules for Drivers of State Vehicles

- (1) All drivers must have a driver's license, which is valid in the State of Maryland, and which is appropriate for the class of vehicle driven.
- (2) All drivers shall operate State vehicles in a manner that reflects concern for safety and courtesy towards the public.
- (3) An employee having a driver's license with six (6) or more points for moving violations shall not operate a State vehicle.
- (4) State vehicles shall be driven only by State officials and authorized employees. Exceptions to this rule must have written authorization from the Department of Budget and Management.
- (5) State vehicles shall not be used to conduct personal business, to transport members of the family, e.g., transporting children to and from school, or for pleasure. Passengers in State vehicles must be authorized persons on State business.
- (6) No person may drive or ride in a State motor vehicle unless properly restrained by the occupant restraint device. It shall be the driver's responsibility to ensure that the passengers use the available restraint devices
- (7) All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, nor is the vehicle to be operated above safe driving speeds for road conditions. All violation fines shall be the responsibility of the driver involved.
- (8) All accidents are to be reported to agency headquarters, within twenty-four (24) hours, even if another vehicle is not involved or there are no apparent injuries or damages.
- (9) A daily log (VMILOO) shall be maintained in each State sedan or LTV vehicle on a monthly basis unless exempted by the Secretary, DBM. Logs must indicate all destinations by official and commute mileage, even if driven by different individuals. Agencies are required to have these logs available for audit purposes.
- (10) State vehicles are to be properly maintained. Vehicles assigned to agencies unable to provide scheduled maintenance are to be guided by oil change, lubrication and maintenance recommendations of the manufacturer. All warranties are to be exercised.
- (11) The driver of a State vehicle shall take every precaution to ensure the safety of the vehicle and its contents. The driver shall lock the vehicle and take the keys, except in those instances when a commercial parking garage requires the keys be left with the vehicle.
- (12) Operators of State vehicles are personally responsible for vehicles operated by them. The operator of the State vehicle may be required to make restitution for a State vehicle that is damaged while assigned to the operator.

Appendix 1 (cont'd)

General Rules for Drivers of State Vehicles

- (13) The use of State of Maryland vehicle service/credit cards is restricted to State vehicles and under no circumstances are to be left in custody of service station or maintenance facility attendants.
- (14) Whenever possible, trips should be planned to coincide with other employee travel requirements so that vehicles are used efficiently and economically.
- (15) Willful disregard of these rules is considered just cause for disciplinary action.

Appendix 2

INSTRUCTIONS

MFOMS-18 – CERTIFICATION OF EXEMPTION

ALL DATA PROVIDED MUST BE TYPED or PRINTED

1. Enter Department or Agency Name.
2. Enter vehicle VIN.
3. Enter vehicle license plate.
4. Enter vehicle type.
5. Enter last name, first name and middle initial of assigned driver for listed vehicle.
6. Enter driver's social security number.
7. Enter driver's title.
8. Enter the driver's assigned office or unit.
9. Briefly describe the duties of this position.
10. Check the exemption claimed & complete page 2 of the form where applicable.
11. Signature and date for assigned driver.
12. Signature and date for Department/Agency Head.
13. Approved by DBM

This Certification (MFOMS-18) must be signed by the employee, the Department Agency Head, and the DBM Fleet Manager or designee

If vehicle is replaced or there is a change in driver assignment, a new MFOMS-18 must be completed and maintained on file at the agency.

**CERTIFICATION OF EXEMPTION
STATE MOTOR VEHICLE COMMUTE CHARGE**

1. STATE DEPT./AGENCY: Department of Budget & Management
2. VEHICLE LICENSE PLATE: SG-00000
3. VEHICLE VIN NUMBER: 12345678901234567 4. VEHICLE TYPE: Sedan
(Sedan, Van, Pickup, Sports Utility)
5. ASSIGNED DRIVER: Smith John G.
LAST NAME FIRST NAME MIDDLE INITIAL
6. DRIVER SS#: 123-45-6789
7. TITLE: Auditor 8. OFFICE/UNIT: Finance

9. Briefly describe the duties of this position:

Routinely visits State agencies to audit financial records.

10. EXEMPTION CLAIMED – Please ☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐
(Please see reverse side) Note: Only one exemption may be claimed.

The undersigned certify above statements are accurate and agree to make proper notification to the Department of Budget and Management in the event that a change in assignment or experience occurs which nullified the accuracy of this certification.

John G. Smith

08/27/2001

11. ASSIGNED DRIVER SIGNATURE:

DATE:

Secretary, Department of Budget and Management

08/27/2001

12. DEPT./AGENCY HEAD AUTHORIZATION:

DATE:

Larry Williams

08/27/2001

13. DEPARTMENT OF BUDGET & MANAGEMENT APPROVAL

DATE

The State-owned motor vehicle and assigned driver listed on the reverse are certified to be exempt from the State Vehicle Commute Charge by reason of the following: (Please provide any additional information noted below)

EXEMPTION 1: Assigned vehicle is not used to commute but remains garaged overnight at the employee's assigned office. Vehicles that are driven by employees from their assigned office to a regional office, branch, or any other type of sub-unit of the State and parked overnight do not qualify under this exemption.

EXEMPTION 2: Vehicle is assigned to an employee whose duties are primarily field assignments and who reports to the designated office on an average of once a week or less as certified by the Agency Head. Employees that are assigned to regional offices, branches, or any other type of sub-unit in lieu of headquarters do not qualify under this exemption.

Describe the employee's usual assignment and normal office visits in accordance with Fleet Policy as shown on the mileage log for 12 previous months:

EXEMPTION 3: Vehicle is assigned to a Law Enforcement Officer. Law Enforcement Officer means one employed full-time in that capacity and is responsible for the prevention or investigation of crime involving injury to persons or property who is authorized to carry firearms (and actually does carry firearms), execute search warrants and make arrests.

EXEMPTION 4: Vehicle is modified and equipped with highly specialized equipment necessary to respond to emergency needs and the assigned driver is subject to emergency call out at times other than scheduled working hours. Examples of vehicle types are bomb disposal trucks, haz-mat response trucks, and traffic signal repair trucks. Vehicles must be specifically designed and used to carry and store the highly specialized emergency equipment. Two-way radios, emergency lights, and other job incidental ancillary equipment do not qualify as highly specialized

a. List vehicle type, modifications, and specialized equipment:

**CERTIFICATION OF EXEMPTION
STATE MOTOR VEHICLE COMMUTE CHARGE**

1. STATE DEPT./AGENCY: _____

2. VEHICLE VIN: _____

3. VEHICLE TAG NUMBER _____ 4. VEHICLE TYPE: _____
(Sedan, LTV, Heavy Truck)

5. ASSIGNED DRIVER: _____
LAST NAME FIRST NAME MIDDLE INITIAL

6. DRIVER SS#: _____

7. TITLE: _____ 8. OFFICE/UNIT: _____

9. Briefly describe the duties of this position:

10. EXEMPTION CLAIMED – Please ✓ 1 _____ 2 _____ 3 _____ 4 _____
(Please see reverse side) Note: Only one exemption may be claimed.

I solemnly offer under penalty of perjury that under open and personal knowledge that the contents of this form are true. I agree to make proper notification to the Department of Budget & Management in the event of a change in assignment or experience, which nullifies the accuracy of this certification.

11. ASSIGNED DRIVER SIGNATURE _____ DATE _____

12. DEPT./AGENCY HEAD AUTHORIZATION _____ DATE _____

13. DEPARTMENT OF BUDGET & MANAGEMENT APPROVAL _____ DATE _____

The State-owned motor vehicle and assigned driver listed on the reverse are certified to be exempt from the State Vehicle Commute Charge by reason of the following: (Please provide any additional information noted below)

EXEMPTION 1: Assigned vehicle is not used to commute but remains garaged overnight at the employee's assigned office. Vehicles that are driven by employees from their assigned office to a regional office, branch, or any other type of sub-unit of the State and parked overnight do not qualify under this exemption.

EXEMPTION 2: Vehicle is assigned to an employee whose duties are primarily field assignments and who reports to the designated office on an average of once a week or less as certified by the Agency Head. Employees that are assigned to regional offices, branches, or any other type of sub-unit in lieu of headquarters do not qualify under this exemption.

Describe the employee's usual assignment and normal office visits in accordance with Fleet Policy as shown on the mileage log for 12 previous months:

EXEMPTION 3: Vehicle is assigned to a Law Enforcement Officer. Law Enforcement Officer means one employed full-time in that capacity and is responsible for the prevention or investigation of crime involving injury to persons or property who is authorized to carry firearms (and actually does carry firearms), execute search warrants and make arrests.

EXEMPTION 4: Vehicle is modified and equipped with highly specialized equipment necessary to respond to emergency needs and the assigned driver is subject to emergency call out at times other than scheduled working hours. Examples of vehicle types are bomb disposal trucks, haz-mat response trucks, and traffic signal repair trucks. Vehicles must be specifically designed and used to carry and store the highly specialized emergency equipment. Two-way radios, emergency lights, and other job incidental ancillary equipment do not qualify as highly specialized

b. List vehicle type, modifications, and specialized equipment:

Appendix 3

INSTRUCTIONS

MFOMS-17 – STATE AUTO COMMUTE CHARGE CARD

1. Enter agency code.
2. Enter the driver's social security number.
3. Enter deduction amount from Commute Rate Deduction Table.
4. Check the appropriate box for vehicle type.
5. Enter the appropriate purpose code from the back of the form.
6. Enter the 1 – day round trip commute miles
7. Print the employee/driver name.
8. Have the employee/driver sign their name.
9. Enter the agency name.
10. Enter the date signed.
11. Enter the name of the Fleet Manager.
12. Have the Fleet Manager sign the form.
13. Enter the telephone number of the Fleet Manager.

Forms that have been altered or contain crossed out sections with changes will be returned to the agency for resubmission.

The top two copies of the form marked "DBM/FAU Copy" are forwarded to the DBM Fleet Administration Unit for processing. A copy will be returned to the agency after processing. For further information please see section 6.03.07.

Additional MFOMS-17 may be ordered by contacting the DBM/Fleet Administrative Unit at 410-260-7525.

Appendix 3 (cont'd)
Sample Completed Form

MFOMS-17 (Revised 3/2001)															STATE AUTO COMMUTE CHARGE										
Agency Code						Social Security Number									Deduction Amount				Vehicle Type						
2	5	0	1	0	3	1	2	3	4	5	6	7	8	9	\$	76.16		<input checked="" type="checkbox"/> Sedan	<input type="checkbox"/> LTV						
															Purpose Code				1 - Day Round Trip Commute Miles						
															1				40						
Employee Name (please print)										Employee Signature* (required)										Agency					
Sally Smith										Sally Smith										DBM					
03/26/2001					James. A. Jones										James A. Jones					410-260-5555					
Date					Printed Name and Signature of Fleet Mgr.										Telephone Number										

DBM/FAU Copy

* See codes on back of form.

(Back of Form)

PURPOSE CODES

- | | |
|---|---|
| 1 | - Initiate Commute Charge for this Employee |
| 2 | - Cancel Commute Charge for this Employee |
| 3 | - Change Commute Charge for this Employee, i.e. change in commute miles, change in vehicle type |

NOTES:

Before completing this card, refer to the written instructions issued by the State Fleet Administrator, Department of Budget and Management.

*I solemnly offer under penalty of perjury that under open and personal knowledge that the contents of this form are true. I agree to make proper notification to the Department of Budget

- 3 - Change Commute Charge for this Employee, i.e.
change in commute miles, change in vehicle type

*I solemnly offer under penalty of perjury that under open and personal knowledge that the contents of this form are true. I agree to make proper notification to the Department of Budget & Management in the event of a change in assignment or experience, which nullifies the accuracy of this form..

Appendix 4

Instructions for Vehicle Inspection Report

1. Department/Agency name.
2. Inspections to be made every April and October of each year.
3. Mileage showing on odometer at inspection.
4. Report to be signed by inspector.
5. Year, make and model of vehicle.
6. Name of current assigned driver. Pool cars should indicate name of employee responsible for maintenance.
7. The "VIN" or Vehicle Identification Number of the vehicle, a 17 digit number usually found on plate on dash.
8. Tag Number assigned to the vehicle.
9. Last service dates and odometer readings at time of service.
10. Condition of tires and glass.
11. Condition of lights and exterior of vehicle.
12. Condition of interior of vehicle. Is the registration available? Are there mileage and accident forms in the vehicle?
13. Inspector should determine if owner manual maintenance schedule is being followed.
14. Driver is to advise of any operating problem.
15. General instructions to be monitored by inspector.

Appendix 4 (cont' d)

(1)

Department of Budget & Management
Agency

INSPECTION:

(2) April 2000 (3) Mileage: 41,075 (4) Inspected By: Martin Murphy
 Date of Inspection: October _____
 (5) Year: 1998 Make & Model: Chevrolet Cavalier Body Style: 4-Door
 (6) Driver: John G. Smith
 (First) (Middle) (Last)
 (7) Vehicle VIN: 1ADTR555Y55234566 (8) Tag No.: SG-45123

(9)

LAST SERVICE:	Oil: <u>12/7/99</u>	Lube: <u>12/17/99</u>	Tune-up: <u>12/17/99</u>
	(date)	(date)	(date)
	Mileage: 30,000	Mileage: 30,000	Mileage: 30,000

Indicate: SATISFACTORY "S" UNSATISFACTORY "U"

(10) Tire Wear: R.F. S L.F. S R.R. S L.R. U Spare S Glass (Window): S Mirrors: S

(11) Lights: Front S Rear: S Signal S Exterior: Scratches S Paint Condition S Dents U

(12) Interior: Cleanliness S Registration Card S Mileage Forms S Accident Package U

(13) IS OWNER MANUAL FOLLOWED ON GENERAL VEHICLE MAINTENANCE? YES

(14)
ASSIGNED DRIVER'S REMARK'S:

Steerage: S Brakes: S Acceleration: U Transmission: S Other: None

(15)
GENERAL: Any unsatisfactory item must be corrected within 7 days.

State repair contracts are to be used if in-house facilities are not available.

State contracts for tires and batteries are to be exercised.

All accidents are to be investigated by police and required reports submitted.

Warranties and repair recalls are to be exercised.

Failure to maintain Inspection Reports or to exercise State contracts and warranties may result in loss of State vehicle assignment.

Vehicle Inspection Report

Agency

INSPECTION:

April _____

Date of Inspection: October _____ Mileage: _____ Inspected By: _____

Year: _____ Make & Model: _____ Body Style: _____

Driver: _____
(First) (Middle) (Last)

Vehicle VIN: _____ License No.: _____

LAST SERVICE: Oil: _____ Lube: _____ Tune-up: _____
(date) (date) (date)

Mileage: _____ Mileage: _____ Mileage: _____

Indicate: SATISFACTORY "S" UNSATISFACTORY "U"

Tire Wear: R.F.____ L.F.____ R.R.____ L.R. ____ Spare ____ Glass (Windows): ____ Mirrors: ____

Lights: Front ____ Rear ____ Signal____ Exterior: Scratches ____ Paint Condition ____ Dents ____

Interior: Cleanliness ____ Registration Card ____ Mileage Forms ____ Accident Package ____

IS OWNER'S MANUAL FOLLOWED ON GENERAL VEHICLE MAINTENANCE? ____

ASSIGNED DRIVER'S REMARKS:

Steerage: ____ Brakes: ____ Acceleration: ____ Transmission: ____ Other: ____

GENERAL: Any unsatisfactory item must be corrected within 7 days.

State repair contracts are to be used if in-house facilities are not available.

State contracts for tires and batteries are to be exercised.

All accidents are to be investigated by police and required reports submitted.

Warranties and repair recalls are to be exercised.

Failure to maintain Inspection Reports or to exercise State contracts and warranties may result in loss of State vehicle assignment.

Appendix 5

Accident Control, Reporting and Corrective Action

Section A

General Guidelines When Involved In an Accident

Section B

Reporting an Accident or Loss (ACORD)

Section C

Instructions for Completing Motor Vehicle Accident Investigation Guide (FS-1)

Section D

Accident Review Board Work-Sheet (FS-2)

Section E

Driver Corrective Action Program (FS-3)

Section F

General Insurance Information

Section G

Preventable Accident Guidelines

Section A

General Guidelines When Involved in an Accident

1. Stop as near to the scene as is safely practical; avoid blocking traffic and otherwise minimize potential danger to others.
2. If necessary, notify appropriate emergency medical and/or fire rescue personnel.
3. Make every effort to have a police officer respond to the accident scene. The officer must be requested to make a formal report. Failure to follow this procedure must be fully explained in writing. (Attach to ACORD form.)
4. Provide identification to involved parties.
5. Protect State property.
6. Cooperate with police and emergency medical personnel.
7. DO NOT admit negligence or fault or offer settlements.
8. Obtain names and addresses of witnesses/involved parties.
9. Notify appropriate agency representative as soon as possible.
10. Report promptly and completely per this appendix.
11. Accidents involving evacuation by emergency medical personnel shall be reported immediately by telephone to the Insurance Division of the State Treasurer's Office at (410) 260-7684.
12. The State agency should advise the claimant/attorney to contact the Insurance Division of the State Treasurer's Office with questions.
13. The Insurance Division personnel will instruct the claimant/attorney as to the proper procedure for filing a formal notice of claim.

MAKE NO OTHER COMMENTS. VOLUNTEER NO INFORMATION.

14. Forward a copy of any correspondence received relative to a claim to the Insurance Division of the State Treasurer's Office at 80 Calvert Street, Room 400, Annapolis, Maryland 21401.

Section B

Reporting an Accident or Loss (ACORD)

1. **Reporting Accidents - General**

The Motor Vehicle Liability Coverage is self-insured by the State and managed by the Insurance Division, Office of the State Treasurer. This program comes within the scope of the Maryland Tort Claims Act. All incidents and/or accidents involving a motor vehicle, mobile equipment or miscellaneous equipment (lawn movers, etc.) are to be reported IMMEDIATELY on the ACORD Accident Notice form. Accident reports are to be completed and distributed within 48 hours of the accident.

2. **State Vehicle Accidents Involving Vehicles, Property and Personal Injury with Non-state Parties**

- .01 When a State vehicle is involved in an accident, the designated Insurance Coordinator must complete an ACORD form and forward it to the Insurance Division, Office of the State Treasurer. Keep a photocopy for your agency.
- .02 If the accident is caused by the "other party's" negligence, the State will make a claim on its own behalf directly against the other party and/or insurance company representing this party in an effort to collect damages.

Please follow these procedures:

- (1) Submit ACORD Loss Notice as above.
- (2) If the State vehicle is operable, obtain three (3) estimates (a minimum of two (2) with proper justification) and forward originals to the Insurance Division.
- (3) If the State vehicle is not operable, notify the Insurance Division of vehicle's location immediately by phone. The vehicle's location must also be shown on the ACORD Loss Notice.
- (4) SHOULD YOU HAVE ANY QUESTIONS ...

All questions should be directed to the Insurance Division of the State Treasurer's Office.

- .03 If more than two (2) vehicles or two (2) injured parties are involved, use additional ACORD forms as necessary.
- .04 ACORD forms are **not** to be placed in the State vehicle. The "Accident Reporting Kits" are to be kept in the vehicle at all times. Use this kit to obtain necessary information at the accident scene.
- .05 **DO NOT DELAY OR HOLD UP REPORTING THE ACCIDENT PENDING RECEIPT OF A COPY OF THE POLICE REPORT.**
- .06 **Serious Incidents**

Incidents/accidents involving serious bodily injuries, death, or evacuation by emergency medical personnel are to be reported by telephone within four (4) hours to the State Insurance Division. Follow the telephone report with a written report (ACORD form) to the State Insurance Division.

3. State Vehicle Accident/Incident Involving Only Damage (Including Fire) to a State Vehicle (s) with No Other Party Involved

- .01 The designated agency Insurance Coordinator completes the ACORD form and forwards to the Insurance Division.
- .02 Physical damage to State vehicles is covered under the State Insurance Trust Fund (SITF) less a \$1, 000 deductible by agencies.
- .03 The SITF does **not** provide coverage for theft.

4. The ACORD Form Completion - General

The prompt and accurate reporting of **all** accidents is mandatory. The ACORD form (attached to this section) is easy and simple to complete. While **all** information is important - please be sure the following areas have been completed before distribution:

- Date and time of loss.
- Your agency's name and State agency Appropriation Code.
- Your agency's telephone number.
- State vehicle identification number (serial or VIN #) and license plate (tag) number.
- Name, address and home phone number of State employee driver.
- All available information on damage to other property (description, name, address and phone number of owner) or on injury to other persons (name, address, phone numbers, age, extent of injury, whether or not transported to hospital, name of hospital, etc.).

Identify all witnesses to the accident. Give names, addresses, and phone numbers. It is imperative that all pertinent information be given. Prompt, accurate and complete information is essential to fast claim adjustments.

Reports of incidents or accidents are to be submitted even if the party, individual(s) involved indicate they were not injured and no damage was done.

5. Insurance Division Address and Phone Number

State Treasurer's Office
Insurance Division
80 Calvert Street, Room 400.
Annapolis, Maryland 2140

Telephone Number: 410-260-7684
FAX# 410-974-2865

ACORDTM AUTOMOBILE LOSS NOTICE										DATE	
PRODUCER		PHONE (A/C, No, Ext):		COMPANY		NAIC CODE:		MISCELLANEOUS INFO (Site & location code)			
				POLICY NUMBER		REFERENCE NUMBER		CAT #			
CODE:		SUB CODE:		EFFECTIVE DATE		EXPIRATION DATE		DATE OF ACCIDENT AND TIME		PREVIOUSLY REPORTED	
AGENCY CUSTOMER ID:										AM PM YES NO	
INSURED				CONTACT				CONTACT INSURED			
NAME AND ADDRESS		SOC SEC #:		NAME AND ADDRESS				WHERE TO CONTACT			
								WHEN TO CONTACT			
RESIDENCE PHONE (A/C, No)		BUSINESS PHONE (A/C, No, Ext)		RESIDENCE PHONE (A/C, No)		BUSINESS PHONE (A/C, No, Ext)					
LOSS											
LOCATION OF ACCIDENT (Include city & state)						AUTHORITY CONTACTED: REPORT #:		VIOLATIONS/CITATIONS			
DESCRIPTION OF ACCIDENT (Use separate sheet, if necessary)											
POLICY INFORMATION											
BODILY INJURY (Per Person)		BODILY INJURY (Per Accident)		PROPERTY DAMAGE		SINGLE LIMIT		MEDICAL PAYMENT		OTC DEDUCTIBLE	
										OTHER COVERAGE & DEDUCTIBLES (UM, no-fault, towing, etc)	
LOSS PAYEE								COLLISION DED			
UMBRELLA/ EXCESS		UMBRELLA		EXCESS		CARRIER:		LIMITS:		AGGR PER CLAIM/ACC	
										SIV DED	
INSURED VEHICLE											
VEH #		YEAR		MAKE:		BODY TYPE:		PLATE NUMBER		STATE	
				MODEL:		V.I.N.:					
OWNER'S NAME & ADDRESS								RESIDENCE PHONE (A/C, No):			
DRIVER'S NAME & ADDRESS								BUSINESS PHONE (A/C, No, Ext):			
RELATION TO INSURED (Employee, family, etc.)		DATE OF BIRTH		DRIVER'S LICENSE NUMBER		STATE		PURPOSE OF USE		USED WITH PERMISSION? YES NO	
DESCRIBE DAMAGE		ESTIMATE AMOUNT		WHERE CAN VEHICLE BE SEEN?		WHEN CAN VEH BE SEEN?		OTHER INSURANCE ON VEHICLE			
PROPERTY DAMAGED											
DESCRIBE PROPERTY (If auto, year, make, model, plate #)						OTHER VEH/PROP INS? YES NO		COMPANY OR AGENCY NAME: POLICY #:			
OWNER'S NAME & ADDRESS								RESIDENCE PHONE (A/C, No):			
OTHER DRIVER'S NAME & ADDRESS (Check if same as owner)								BUSINESS PHONE (A/C, No, Ext):			
DESCRIBE DAMAGE						ESTIMATE AMOUNT		WHERE CAN DAMAGE BE SEEN?			
INJURED											
NAME & ADDRESS				PHONE (A/C, No)		PED INS OTH VEH VEH VEH		AGE		EXTENT OF INJURY	
WITNESSES OR PASSENGERS											
NAME & ADDRESS				PHONE (A/C, No)		INS OTH VEH VEH VEH		OTHER (Specify)			
REMARKS (Include adjuster assigned)											
REPORTED BY		REPORTED TO		SIGNATURE OF INSURED				SIGNATURE OF PRODUCER			

Applicable In Arizona

For your protection, Arizona law requires the following statement to appear on this form. Any person who knowingly presents a false or fraudulent claim for payment of a loss is subject to criminal and civil penalties.

Applicable In Arkansas, Kentucky, Maine, Michigan, New Jersey, New Mexico, Pennsylvania and Virginia

Any person who knowingly and with intent to defraud any insurance company or another person, files a statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact, material thereto, commits a fraudulent insurance act, which is a crime, subject to criminal prosecution and civil penalties. In Maine and Virginia, insurance benefits may also be denied.

Applicable In California

Any person who knowingly files a statement of claim containing any false or misleading information is subject to criminal and civil penalties.

Applicable In Colorado

It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policy holder or claimant for the purpose of defrauding or attempting to defraud the policy holder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Applicable In Florida and Idaho

Any person who Knowingly and with the intent to injure, Defraud, or Deceive any Insurance Company Files a Statement of Claim Containing any False, Incomplete or Misleading information is Guilty of a Felony.*

* In Florida - Third Degree Felony

Applicable In Hawaii

For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

Applicable In Indiana

A person who knowingly and with intent to defraud an insurer files a statement of claim containing any false, incomplete, or misleading information commits a felony.

Applicable In Minnesota

A person who files a claim with intent to defraud or helps commit a fraud against an insurer is guilty of a crime.

Applicable In Nevada

Pursuant to NRS 686A.291, any person who knowingly and willfully files a statement of claim that contains any false, incomplete or misleading information concerning a material fact is guilty of a felony.

Applicable In New Hampshire

Any person who, with purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20.

Applicable In New York

Any person who knowingly makes or knowingly assists, abets, solicits or conspires with another to make a false report of the theft, destruction, damage or conversion of any motor vehicle to a law enforcement agency, the Department of Motor Vehicles or an insurance company, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the value of the subject motor vehicle or stated claim for each violation.

Applicable In Ohio

Any person who, with intent to defraud or knowing that he/she is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

Applicable In Oklahoma

WARNING: Any person who knowingly and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information, is guilty of a felony.

Section C

Instructions for Completing Motor Vehicle Accident Investigation Guide (FS-1)

A Motor Vehicle Accident Investigation Guide (FS-1) is completed each time an ACORD form is completed and submitted to the Insurance Coordinator. The driver completes the first page of the form. The second page is then completed and reviewed by the supervisor and subsequently by the agency Accident Review Board with the appropriate comments entered into the spaces provided. **PLEASE DO NOT DELAY THE SUBMISSION OF THE ACORD FORM PENDING COMPLETION OF THE FS-1.**

The Motor Vehicle Accident Investigation Guide (FS-1 is attached) **must be completed by the driver within 48 hours of the incident** and reviewed by the driver's supervisor for accuracy and completeness within 72 hours.

"To Be Completed by Driver" Instructions:

1. Enter the Department or Agency name
2. Enter the Agency budget code
3. Enter the driver's name
4. Enter the unit or section where the driver is assigned
5. Enter the driver's classification, title, or rank
6. Enter the date & time of accident
7. Enter the location of the accident
8. Enter the driver's license number
9. Circle the conditions at the time of accident
10. Accident investigation information; Indicate whether State or local law enforcement agencies were on the scene and results as to citations.
11. Indicate the appropriate injury and driver restraint information
12. Detailed description of accident and diagram; describe in simple terms exactly what happened.
13. Enter the insurance and tag information of the other vehicle(s) involved.

Upon completion of the driver's section, the supervisor reviews this information and completes the "Accident Review by Supervisor" section of the FS-1. For interpretations of preventable accidents, please refer to the Accident Definitions located in Appendix 5, Section G. After the completion of the driver's section and the supervisor's section, the FS-1 is forwarded to your agency's Insurance Coordinator and Accident Review Board for processing.

Motor Vehicle Accident Investigation Guide (Form FS-1)

This Section to Be Completed By Driver

1. State Agency/Department:_____ 2. Agency Budget Code:_____
3. Driver's Name:_____ 4. Unit/Section:_____
5. Classification:_____ 6. Date & Time of Accident:_____
7. Location of Accident:_____ 8. Driver's License #:_____

9. Conditions (Please circle all that apply):

Daylight	Clear	Wet
Dawn	Cloudy	Ice
Dusk	Foggy	Vehicle Defect
Dark (street lights on)	Rain	Unknown
Dark (street lights off)	Snow	
Dark (no street lights)	Severe Wind	

10. Accident Investigation Information:

- a. State Police ☐ Yes ☐ No
- b. Local Police ☐ Yes ☐ No

c. Were citations issued to:

- (1) State Driver ☐ Yes ☐ No
- (2) Other Driver ☐ Yes ☐ No

11. Was State driver/passenger injured? ☐ Yes ☐ No
- Were restraints in use? ☐ Yes ☐ No

12. Detailed Description of Accident: _____

Diagram: 

13. Insurance Information for Other Vehicle:

Company:_____ Tag # of other vehicle:_____

Policy #:_____

Motor Vehicle Accident Investigation Guide (Form FS-1) Continued

Accident Review By Supervisor

1. Driver's Name: _____ 2. State Vehicle Tag #: _____
3. Number of Accidents Within the Last 3 Years: _____ 4. Points on Driving Record: _____
6. I have reviewed this accident with the driver involved and have the following additional comments:
- _____
- _____
6. Was this accident preventable by State driver? Yes _____ No _____
7. Date: _____ Name: _____ Position: _____
8. Supervisor's Signature: _____ Phone: _____

Accident Review Board

1. An investigation and review of this accident in accordance with the State Motor Vehicle Accident Prevention Program indicates that it should be judged:

Preventable _____ Non-Preventable _____

2. Consideration of the facts indicates the following would be helpful in avoiding such accidents in the future:

3. Corrective action, if accident is found to be preventable. Please check all that apply.

- _____ 1. Letter of reprimand placed in personnel file.
- _____ 2. Require attendance at a driver improvement program.
- _____ 3. Temporary denial of driving privileges in State vehicle.
- _____ 4. Permanent denial of driving privileges in a State vehicle.
- _____ 5. Suspension of one or more days in compliance with Maryland Personnel Rules.
- _____ 6. Requirement to reimburse State for damages to State property.

4. Date Driver Notified: _____ Driving Record Card Noted: () Yes () No

5. Review Board Signatures:

Section D

Accident Review Board Work Sheet (FS-2)

Documentation of Accident Review Board and agency determinations are to be maintained on the Accident Review Board Work Sheet found at the end of this section. Completed work sheets with copies of the appropriate ACORD form, FS-1 and FS-3 forms are to be maintained on file by the agency.

Accident Review Board Work Sheet (Form FS-2)

Description of Accident: _____

Driver's License #: _____ Date of Occurrence: _____

License Tag No: _____ Date Notified: _____

Operator's Supervisor: _____

Attachments: _____

Date Operator Notified of Hearing: _____ Advised to have Counsel: ____ Y ____ N

Date(s) of Hearing(s): _____, _____, _____

Opinions: Chairman: _____

Signature: _____ Date: _____

Member: _____

Signature: _____ Date: _____

Member: _____

Signature: _____ Date: _____

Recommended Board Actions: _____

Appeal Entered: ____ Y ____ N Date of Appeal: _____

Result of Appeal: _____

Agency Head Approval: (Corrective Action Only, i.e., Reprimand, Restitution, Etc.)

Signature: _____ Date: _____

Disposition of Report: _____

Date Case Closed: _____

Section E

Driver Corrective Action Program (FS-3)

1. General

The Corrective Action Program was developed by the Governor's State Fleet Safety Committee for guidance to agency Accident Review Boards in their determinations concerning a driver involved in a preventable accident. The program identifies corrective action to be taken and prescribes the minimum action to be taken. Agency Accident Review Boards may exercise more stringent corrective action when, in their judgement, documented circumstances warrant.

Corrective actions are applied based on point totals listed on the Driver Evaluation Point System, Form FS-3 provided at the end of this section. This form is to be completed by the Accident Review Board of each agency as part of the accident review process when accidents are found to be preventable.

The Point Evaluation System takes into account two factors related to the driving history of the individual:

- **Violations – Last 3 Years:** - A history of violations, even in the individual's personal automobile and on his or her own time, indicates driving patterns which present a potential risk to the State.
- **Preventable Accident History:** - This factor relates only to preventable accidents in State vehicles over a 3-year period. The determination of preventability will have been made by the agency's Accident Review Board at the time of review of any prior accident.

In order to evaluate a driver's need for corrective action, each agency Action Review Board should maintain accurate and up-to-date records of past occurrences and have available to it current Motor Vehicle Administration (MVA) records for drivers whose records are being reviewed.

2. Corrective Actions (CA) Point Guidelines

CA Points

- | | |
|------------------|--|
| <u>11 to 44</u> | <u>Reprimand:</u> - The operator is to be given an official reprimand. This will be in writing and will include a statement of facts concerning the reprimand. The reprimand will be filed in the operator's personnel file and a copy of the reprimand given to the operator. The lack of use of restraint systems shall be acted upon in accordance with State Vehicle Fleet Policies and Procedures, Section 15. |
| <u>45 to 64</u> | <u>Driver Improvement Program:</u> - The operator is required to attend a suitable driver improvement training program. The operator must receive a written certificate of completion which will be filed in the operator's personnel file. A reprimand is also to be issued as above. |
| <u>65 to 114</u> | <u>Serious Offender Program:</u> - The operator is required to attend the Statewide Driver Corrective Action Program conducted by the Maryland Department of Transportation |

(MDOT) or a training program which is similar in content. The operator must receive written certification that the course has been successfully completed, a copy of which will be placed in the employee's personnel file. A reprimand is also to be issued as above.

- 115 to 199 **Damage Assessment:** - The operator is to be assessed for actual damages to State-owned property or vehicles up to a \$1,000 maximum, when damages are incurred while using a State vehicle in a manner which is in violation of State Fleet Policies, and that vehicle is a passenger automobile or a truck of a $\frac{3}{4}$ -ton capacity or less. Damage to vehicles over $\frac{3}{4}$ -ton capacity shall be assessed by the Agency Review Board on a case-by-case basis. A reprimand and attendance at a driver improvement training – serious offender program is to apply to the operator as above.
- 200 to 225 **Suspension of Driving Privileges:** - The operator's privilege to operate State-owned vehicles or equipment shall be denied for a minimum of 6 months. At the end of this time, and upon completion of a driver improvement – serious offender training program, and appropriate in-car evaluation by agency management, the operator may apply to the agency Accident Review Board for reinstatement of his/her driving privileges. If in the opinion of the agency Accident Review Board, and as approved by the agency head, this action is in the best interest of the State, the operator's privileges may be reinstated. The operator shall also be assessed for damages to the State-owned property and receive a written reprimand as above.
- 226 to 270 **Suspension from Duties:** - The operator shall be suspended without pay in accordance with Department of Personnel regulations. The length of suspension shall be recommended by the Accident Review Board. The operator is also required to attend the Driver Improvement Training – Serious Offender Program and receive a written reprimand, damage assessment, and suspension of driving privileges as above.
- 271 or Over **Removal of Driving Privileges:** - The operator's privilege of operating State-owned vehicles shall be removed with no right of reinstatement for a period of 3 years. At the end of that time, and upon completion of a driver improvement – serious offender training program and appropriate in-car evaluation by agency management, the driver may reapply to the agency Accident Review Board for reinstatement as above. The operator shall also be suspended, receive a written reprimand, and be assessed damage as above.

DWI or Controlled Substance Violations: - Operators charged with such violations shall have the privilege of operating State vehicles or equipment suspended immediately regardless of the total point value determined by the Driver Evaluation Point System. The suspension shall remain in effect until such time as the individual has completed such instruction or action as recommended by the agency Accident Review Board and approved by the agency head.

In addition, the agency's Accident Review Board will determine such other corrective action as will apply to the operator, such as assessment for damages to the State-owned property or vehicles under the rules outlined above.

3. **Example**

Accident:

At 2:35 p.m. on May 27, 1990, a clear sunny day, a Parole and Probation Agent returning from a visit to a probationer's place of employment was traveling in a State vehicle north on U.S. Route 1 in the fast lane. Upon approaching the intersection of U.S. Route 1 and Elkridge Landing Road, the State driver was unable to stop for a vehicle that had slowed to make a left turn onto Elkridge Landing Road. The State driver ran into the rear of the slowing vehicle.

Investigation:

The State driver's motor vehicle record shows 3 current points for speeding in the last 3 years. Police accident investigation reports indicate no drugs or alcohol were involved, but speed on the part of the State driver was a factor in the accident. A neck injury was sustained by the driver of the stopped vehicle with no injuries sustained by the State driver. There was approximately \$835 damage to the State vehicle. The State driver was not wearing the vehicle restraint device. A check of agency records reveals that the State driver has no prior preventable accidents.

Agency Action:

The agency's three-member Accident Review Board was convened and reviewed the described accident. The Board findings were that the accident was a preventable accident. The Board then completed the evaluation sheet to determine appropriate corrective action recommend for the driver. (See attached FS-3)

Disciplinary Results:

The points assigned total 55 (i.e., 25 + 10 + 20). The State driver will be assigned to a driver improvement training class and a letter of reprimand will be placed in the driver's personnel file. The reprimand will also note that the State driver did not use the vehicle's restraint device.

DRIVER SAFETY CORRECTIVE ACTION PROGRAM POINT SYSTEM EVALUATION SHEET

(Form FS-3)

**“A preventable accident is one in which the driver failed to do everything
he reasonably could have done to prevent it.”**

Points

Assessment

1) Motor Vehicle MVA Driving Record POINTS of Current MVA Violation Points, VALUE	1	2	3	4+	
	5 PTS	10 PTS	25 PTS	50 PTS	-----
Last 3 Years					
2) Preventable Accident History ACCIDENT(S) (State Vehicles) Last 3 Years Only	VALUE	1 st	2 nd	3 rd	4 th 5 th
		10 PTS	40 PTS	100 PTS	200 PTS 300 PTS -----
3) Speed Indicated as a Factor	VALUE	20 PTS			-----
4) Unauthorized Use	VALUE	50 PTS			-----
DWI/Controlled Substance Violations	See Corrective Action Point Guidelines.				
					TOTAL POINTS -----

Corrective Action

(applied only when the accident is determined to be preventable
- see Section E and Section G of this attachment)

11 – 44 PTS	Reprimand
45 – 64 PTS	Driver Improvement Training Program
65 – 114 PTS	Driver Improvement Training, Serious Offender Program
115 – 199 PTS	Damage Assessment
200 – 225 PTS	Suspension of Driving Privileges
226 – 270 PTS	Suspension from Duties
271 – and over	Removal of Driving Privileges

Section E (cont'd)

PROCEDURES FOR STATEWIDE DRIVER CORRECTIVE ACTION PROGRAM

All Department's and Agency's Accident Review Boards (ARB) will review all vehicular accidents. The Board will determine if the accident was preventable or non-preventable.

If "Preventable", the Accident Review Board will take corrective action based on the State Vehicle Fleet Policies and Procedures Manual, along with any additional policies dealing with the Statewide Driver Corrective Action Program. If the ARB recommends attending the Statewide Driver Corrective Action Program, the first step is:

- I. The ARB chairperson of the department and/or agency, will submit, in writing, to the Administrator – Statewide Driver Corrective Action Program, 7491 Connelley Drive, Hanover, Maryland 21076, phone number (410) 582-5555.

Name of Employee:

Title:

Class:

SSN:

Driver's License #:

Supervisor's Name:

Place of Employment:

Mailing Address:

Type of Accident: (i.e., backing, speeding, etc.):

- II. Upon receipt of the letter or memo from the department and/or agency ARB chairperson, the Administrator will schedule the employee/participant for the Driver Corrective Action class.
- III. The Driver Corrective Action classes will be scheduled as required, contingent on having a minimum number of employees to justify conducting a class. Classes are two days in duration. The first day consists of classroom instruction and testing. The second day consists of employees being scheduled at staggered times throughout the day for in-car driver observation, instruction and evaluation.

Section E (cont'd)

- IV. Two or three weeks in advance of this class, the Administrator, Statewide Driver Corrective Action Program, will notify the employee, supervisor and ARB chairperson of the date, time and location of the class.

Note: If the employee fails to attend the class, the Administrator will advise the correct authority and notify the employee's ARB chairperson by phone.

Note: The only way an employee assigned to this program can be rescheduled or excused is to have the ARB chairperson call the Administrator and request that the employee be rescheduled.

- V. The program will follow the format as set forth in the Statewide Driver Corrective Action Program Outline (attached).

The employee must meet the minimum requirement for the first day, a score of 80% on the written or oral test. If this is not achieved, the Administrator will call the ARB chairperson and advise. The employee will be asked not to return for the day two of the class but may be rescheduled for a future class.

- VI. The program will continue following the outline for the second day. During the In-Car Driver Evaluation, the instructor will observe and evaluate the employee's driving; address driving errors and/or habits; outline the problems and conditions that need to be corrected (i.e., visual, judgement, function, time and space). A minimum score of 80% is required to pass the driver evaluation test.

- VII. If in the judgement of the instructor, along with the facts, the employee has major problems with his driving, the Administrator will submit oral and written reports to the employee's ARB chairperson. Copies of evaluation forms and test scores will be sent to the employee's ARB chairperson.

- VIII. If there are no problems, a Driver Corrective Action Program letter/card will be issued to the employee indicating that the employee has successfully completed the classroom instruction and has successfully demonstrated the proper handling of a State vehicle. ARB chairpersons will be notified in writing of employees that have successfully completed this program.

STATEWIDE DRIVER CORRECTIVE ACTION PROGRAM OUTLINE

-- DAY ONE --

8:00 - 8:30 INTRODUCTION

1. Introduction of Instructors and Participants
2. Logistics and Opening Remarks
3. Overview of Training Program - Objectives and Expectations
4. True Confessions on Driving Habits or Why Are We Here?

8:30 - 9:00 THE SERIOUS TRAFFIC OFFENDER

1. Breaking the Law
2. Traffic Violations and Penalties
3. Accident Prevention and Reporting

9:00 - 9:30 INTRODUCTION / PRE-TRIP SAFETY ISSUES

1. Self Appraisal Exercise
2. Overview of Defensive Driving Techniques
3. Safety Procedures and Restraint Systems
4. Mechanical Failure / Pre-Trip Inspections

9:30 - 9:45 BREAK

9:45 - 11:00 CRITICAL DRIVING ELEMENTS

1. Establishing a Cushion of Safety
2. Scanning Ahead / Behind / Sides of Vehicle
3. Safe Following Distance
4. Blind Spots, Passing and Tailgaters

11:00 - 12:00 SPECIAL CONDITIONS

1. Driving in Poor Weather Conditions
2. Skidding and Hydroplaning
3. Day & Night-Time Visibility Problems
4. Driving Under the Influence of Drugs or Alcohol

12:00 - 1:00 LUNCH

1:00 - 2:00 SITUATIONAL DRIVING

1. Backing and Parking Situations
2. Stopping at Stop Signs and Signals
3. Making Right-Turns-on-Red
4. Driving in Commercial Areas

2:00 - 2:30 WRITTEN TEST

A written and/or oral test on driving information, Maryland State laws and regulations and general knowledge. A minimum score of 80% is required to pass this test. Participants who do not achieve the minimum score will be instructed not to return for day two (2) of the program but may be rescheduled for a future class.

2:30 - 2:45 BREAK

2:45 - 3:30 DAY 1 WRAP-UP and DAY 2 OVERVIEW

1. Day One Review and Critique / Questions and Answers
2. Overview Day Two Driving Course and In-Car Driver Evaluation
3. View "One on One Coaching" video

-- DAY TWO --

IN-CAR DRIVER EVALUATION (ALL DAY)

Participants will be individually scheduled to attend the in-car driver evaluation portion of this program at staggered times throughout the day. The instructor will perform a one-on-one driving observation, instruction and evaluation of each participant, logging driver evaluation information on a Driver Checklist form. The driving course will include interstate driving, urban driving, rural driving, and an obstacle course with backing and parking tests.

The driving time will be approximately 45 minutes for each student. During the evaluation, the instructor will take time to correct driving errors and/or habits during the In-Car Evaluation.

A minimum score of 80% is required to pass this test. Participants who are successful in passing the in-car driver evaluation will be presented a Driver Corrective Action Program letter/card indicating that the employee has successfully completed the classroom instruction and has successfully demonstrated the proper handling of a State vehicle.

Section F

General Insurance Information

SUBJECT: STATE VEHICLES AND RELATED INSURANCE

I. STATE VEHICLES

- A. Liability – Damage to other vehicles, property and persons (including non-State employee passengers)

\$200,000 Limit per claimant is the maximum amount available under the Tort Claims Act.

Sovereign immunity is invoked for claims against the State and the employee driver for amounts above \$200,000.

Note: The State does not waive its immunity for punitive damages, interest before judgement, combatant activities of the State Militia, and tortuous acts of employees not within the scope of their duties or if the injury is made with malice, or gross negligence, or due to unlawful acts.

The State agency will be responsible for the first \$1,000 of loss (liability and/or physical damage) associated with any one single occurrence.

- B. Physical Damage – Damage to the State vehicle itself, commonly called collision and comprehensive.

Adjustment: All reimbursement by the Treasurer will be on an “Actual Cash Value” basis. Differences between the actual value and the replacement cost of the vehicle must be satisfied by the State agency owning the vehicle.

Deductible: \$1,000 applies to all adjustments and must be satisfied by the State agency.

- C. Medical Payments and Personal Injury Protection (PIP)

1. Compensation for injury to employees is provided by our Worker’s Compensation Program.
2. The State does not provide medical payments or PIP coverage.
3. The injured employee may be able to collect PIP benefits (+/- \$2,500) by filing a claim under his/her own family automobile insurance company.

- D. Towing and Storage

The State does provide coverage, subject to the \$1,000 deductible per occurrence, IF charges are a result of an automobile accident.

Section F (cont'd)

E. Uninsured and Underinsured Protection

The State does **not** provide protection for either of these coverages. The employee **may** file and receive benefits under his/her automobile insurance policy.

F. Rental Car Coverage – The cost of a temporary replacement for a vehicle damaged as a result of an automobile accident.

The State does **not** provide reimbursement for this coverage.

II. STATE VEHICLES – OUT-OF-STATE AND FOREIGN INSURANCE PROTECTION

A. Liability - Insured by the State Insurance Trust Fund.

1. Out-of-State: State vehicles driven to other states within the United States are covered.
2. Foreign: State vehicle driven to Canada, etc. must notify the Underwriting Section, Insurance Division, of the Treasurer's Office. Please provide vehicle year, make, model, VIN, tag, driver, and dates of travel.

Certificates of coverage evidencing \$300,000 are required to cross the border.

3. Each State agency is responsible for the first \$1,000 of damages.

B. Physical Damage – The same protection is afforded as Under I(B)

III. NON-OWNED VEHICLES

- A. Under Contract – Vehicles owned by outside interests (example, U.S. Government, Counties, and Municipalities) but used by Maryland State agencies. The user should get a Certificate of Insurance from the Agency owning the vehicle. There may be cases when both the vehicle owner's coverage, and the State coverage will apply. The coverage provided is the same as under Sections I and II above.
- B. Leased Vehicles – Vehicles owned by others and leased (rented) to the State on a long-term basis (usually 30 days or more). In virtually every situation, the lessor will require commercial insurance with minimum limits. Please contact this office prior to entering into an agreement. Negotiation with the lessor concerning the acceptance of State coverage is possible. If favorable negotiation is not possible, insurance must be purchased and charged (debited) to the State agency.

Section F (cont'd)

C. Rented Vehicles – Vehicles owned by others and rented to the State on a short-term basis (usually a few days – Hertz, Avis, etc.)

1. Liability – The State provides the same protection as described in Section I (A) regardless of whether the vehicle is rented within or outside the State.
2. Physical Damage – The rental company requires that the renter (State agency or employee) be responsible for most accidental damage to their vehicle. This provision is included in the rental contract. In order to eliminate this provision (waive) and make the rental company responsible, an addendum is required. This addendum is called “Collision Damage Waiver.”

The State has elected to provide this coverage. Do not sign or agree to the “Collision Damage Waiver.”

Each State agency will be responsible for the first \$1,000 of damages.

3. Notation – When signing the rental agreement, include your name, State agency and the State of Maryland, and please read all of the provisions.

D. Privately Owned Vehicles Used on State Business

1. Liability – The State provides liability (only) coverage for all privately owned vehicles driven by authorized persons on State business. See Section I (A).

Employee injury - See Worker’s Compensation – I (C.1).

PIP (medical, etc.) coverage may also be available from your family automobile insurance coverage.

Always notify both our Insurance Division and your family automobile insurance agent of all incidents or accidents. Failure to notify both could jeopardize your legal status in related claims and law suits.

2. Out-of-State – Currently, there is no liability protection provided by the State for claims resulting from the operation of a privately owned vehicle by a State employee while on State business, outside the borders of the State of Maryland.
 - a. Your family automobile policy may respond.
 - b. You are compensated on a mileage basis – this compensation considers insurance expense.
 - c. If the claim is filed in Maryland, the Tort Claims Act may apply (this action is unusual).

Section F (cont'd)

3. Physical Damage

- a. There is no protection available from the State.
- b. Your family automobile policy must provide coverage.

IV. **COMMERCIAL INSURANCE**

Several State agencies have a variety of commercial automobile insurance coverages. Each policy must be perused in order to determine its effect on the above tort program.

V. **CLAIMS**

Procedures and guidelines are addressed elsewhere. If you have a pressing question, telephone the Claims Unit in the Insurance Division at 1-410-260-7684.

The purpose of this position paper is to satisfy numerous inquiries. It is not the complete or final word on this subject. The intent is merely to place a general guide into your hands so that you will have a starting point to pursue a coverage question or to resolve a potential claim.

If you have any additional questions, please contact the Insurance Division at 410-260-7684.

Section G

Accident Definitions **Preventable Accident Guidelines**

A. Intersections:

It is the responsibility of State vehicle drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the “other driver” to conform to laws or traffic control devices will not automatically discharge an accident as “not preventable.” Intersection accidents are preventable even though the driver had not violated traffic regulations. His failure to take precautionary measures prior to entering the intersection are factors to be studied in making a decision. When a driver crosses an intersection and the obvious actions of the “other driver” indicates possible involvement either by reason of his excess speed, crossing his lane and turning, or coming from behind a blind spot, the decision based on such entrapment should be **PREVENTABLE**.

B. Vehicle Ahead

Regardless of the abrupt or unexpected stop of the vehicle ahead, your driver can prevent front-end collisions by maintaining a safe following distance at all times. A safe following distance is one that allows the driver sufficient time, distance, and vision requirements to avoid an accident to reduce traffic conflict. This includes being prepared for possible obstructions on the highway, either in plain view or hidden by the crest of a curve of a roadway. Overdriving headlights at night is a common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle’s headlights.

C. Struck From Behind:

Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin of safety in their own following distance. Rear-end collisions preceded by a roll-back, an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal at a turn at an intersection, should be charged **PREVENTABLE**. Failure to signal intentions or to slow down gradually should be considered **PREVENTABLE**.

D. Passing:

Failure to pass safely indicates faulty judgement and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary and the driver’s responsibility.

Section G (cont'd)

E. Being Passed:

Sideswipes and cut-offs involving a driver while he is being passed are preventable when he fails to yield to the passing vehicle by slowing down, moving to the right where possible, or maintaining speed, whichever action is appropriate.

F. Oncoming:

It is extremely important to check the action of the State driver when involved in a head-on or sideswipe accident with a vehicle approaching from the opposite direction. The exact location of a vehicle, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters your driver's traffic lane, it may be possible for your driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and your driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failing to signal the opposing driver in an appropriate manner should also be taken into account.

G. Fixed Objects:

Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrances to docks, marquees projecting over traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved. A State driver must be constantly on the lookout for such conditions and make necessary allowances relative to speed and vehicle positioning.

H. Pedestrians:

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds equal to the particular situation. Bicycles, motor scooters, and similar equipment are generally operated by young and inexperienced operators. The driver who fails to reduce his speed when this type of equipment is operated within his sight distance has failed to take necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed.

I. Private Property:

When a driver is expected to enter unusual locations, construction sites, etc., or driveways not built to support heavy commercial vehicles, it is the driver's responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

Section G (cont'd)

J. Passenger Accident:

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it must be considered preventable when your driver stops, turns or accelerates abruptly. Emergency action by the State driver to avoid a collision that results in passenger injury should be checked if proper driving prior to the emergency would have eliminated the need for the evasive maneuver. The driver is responsible for the utilization of passenger restraint devices.

K. Non-Collision:

Many accidents, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to preclude being involved in a collision. Examination of his driving procedure prior to the incident may reveal speed too fast for conditions, or other factors. The State driver's action prior to involvement should be examined for possible errors or lack of defensive driving practice.

L. Miscellaneous:

Projecting loads, loose objects falling from the vehicle, loose tarpaulins, or chains, doors swinging open, etc., resulting in damage to the vehicle, cargo, or other property or injury to persons, are preventable when the driver's action or failure to secure them are evidenced. Cargo damage, resulting from unsafe vehicle operation, is preventable by State drivers.

M. Parking:

Unconventional parking locations, including double parking, failure to put out warning devices, etc., generally constitute evidence for judging an accident preventable. Roll-away accidents from a parked position normally should be classified preventable. This includes unauthorized entry into an unlocked, unattended vehicle, failure to properly block wheels or to turn wheel toward curb to prevent vehicle movement.

N. Backing:

Practically all-backing accidents are preventable. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must check all clearances for himself.

Conclusion:

It is impossible to describe in detail the many ways a driver might prevent an accident without being primarily or legally responsible. The above guide merely emphasizes the most frequent occurrences. The following definition of **Defensive Driving** should be applied to all accidents involving State drivers:

A **Defensive Driver** is one who commits no driving errors himself and makes all reasonable allowances for the lack of skill or improper driving practice of the other fellow. A **Defensive Driver** adjusts his own driving to compensate for unusual weather, road, and traffic conditions, and is not tricked into an accident by the unsafe actions of pedestrians and other drivers. By

being alert to accident inducing situations he recognizes the need for preventative action in advance and takes the necessary precaution to prevent the accident. As a **Defensive Driver** he knows when it is necessary to slow down, stop, or yield his right-of-way to avoid involvement.